

MUSLIMS IN AMERICA
REUEL MARC GERECHT

the weekly

Standard

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**WHAT
COULD GO
WRONG?**

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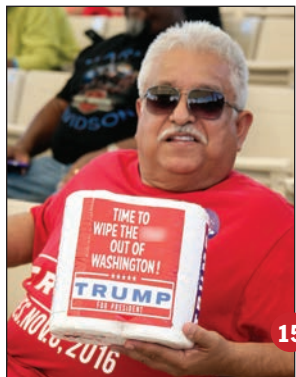


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Obamacare Meltdown

When Obamacare was first passed, Vice President Joe Biden famously said it was a “big f—ing deal.” Now, though, there’s a surprising level of bipartisan agreement that it’s a big honking disaster. There had been many warning signs, but last week it became official: Obamacare premiums are going up next year by an average of 22 percent. And bear in mind this is an average. Our colleague Mary Katharine Ham wrote an eye-popping column at the *Federalist* about how her own Obamacare premiums are increasing by 96 percent in the coming year.

Dramatic premium increases—and remember President Barack Obama repeatedly promised that premiums would go down by an average of \$2,500—seem to be the straw that broke the camel’s back. The same liberal health care wonks who engaged in years of economic sophistry in defense of Obamacare have finally stopped pretending the law is an epic achievement. Obama himself recently compared his signature reform to Samsung’s spate of cell phones that have been exploding and catching fire.

Which is not to say they aren’t all still spinning like crazy. A popular talking point is that the impact of the premium increases will be minimal because 86 percent of the people purchasing insurance from Obamacare’s exchanges are receiving federal subsidies. And as we all know, subsidies are grown in vast subsidy orchards managed by the Department of Agriculture. Then there have been petulant demands that congressional Republi-

cans, who opposed Obamacare from the beginning and accurately predicted how the law would fail, should “compromise” to fix it—even though it’s bad policy and worse politics.



Specifically, they want the GOP to join Democrats in making the penalties for being uninsured much more punitive. This will, in theory, force young and healthy people to overpay for comprehensive Obamacare plans they don’t need—precisely because they’re young and healthy. Bleeding these people financially would help pay for the aforementioned subsidies. The real problem is that Democrats don’t want to admit that most people prefer cheap insurance against catastrophes to expensive, exhaustively comprehensive health plans. Imagine how you’d feel if you woke up one day and your car insurance policy had doubled in price because the government mandated that it had to

cover oil changes, new wiper blades, and tire rotation.

There will clearly be a big push for a “public option.” In other words, since major insurers with 70 years of administrative experience can’t make money selling policies that comply with Obamacare’s ill-advised strictures and mandates, let’s create a federally run insurance provider, which is going to work great and be super understanding about the need to pay for extra cancer treatments. And in due course—this is the unspoken part of the plan—the federal insurer will, while losing lots of taxpayer money, undercut private insurers and drive them out of business, leaving us with a single-payer government health system, which has been the goal of honest liberal advocates all along.

If Republicans hold the House in November, however, the public option will be a nonstarter. And frankly, after the electoral beatings congressional Democrats have taken over Obamacare, they’d be politically foolish to embrace an even more radical version. Hillary Clinton has talked the talk on the public option because she wants to keep her party’s left-wing base in line. But WikiLeaks emails have recently revealed that Clinton and her team seek “the unraveling” of Obamacare.

THE SCRAPBOOK dreads the prospect of a Clinton presidency, which will no doubt be disastrous, dispiriting, and corrupt. But if there’s a silver lining, it’s that a Democratic president could make it easier for congressional Democrats to look the other way as she cleans up the big f—ing mess Obama left behind. ♦

The Halcyon Days of Ted Turner

The press has a weakness for perennial stories, but while some are benign—presidential pardon for Thanksgiving turkey, over-

due medal for wartime hero—others are not so benign and deeply irritating as well. One instructive example is when a well-known media property changes hands: There is always the public pledge that the new owner won’t interfere—wouldn’t even

dream of interfering—with the editorial “independence” of the aforementioned media property.

The last major demonstration of this time-honored ritual was when Amazon mogul Jeff Bezos bought the ailing *Washington Post*. It was not

TIM OGLINE

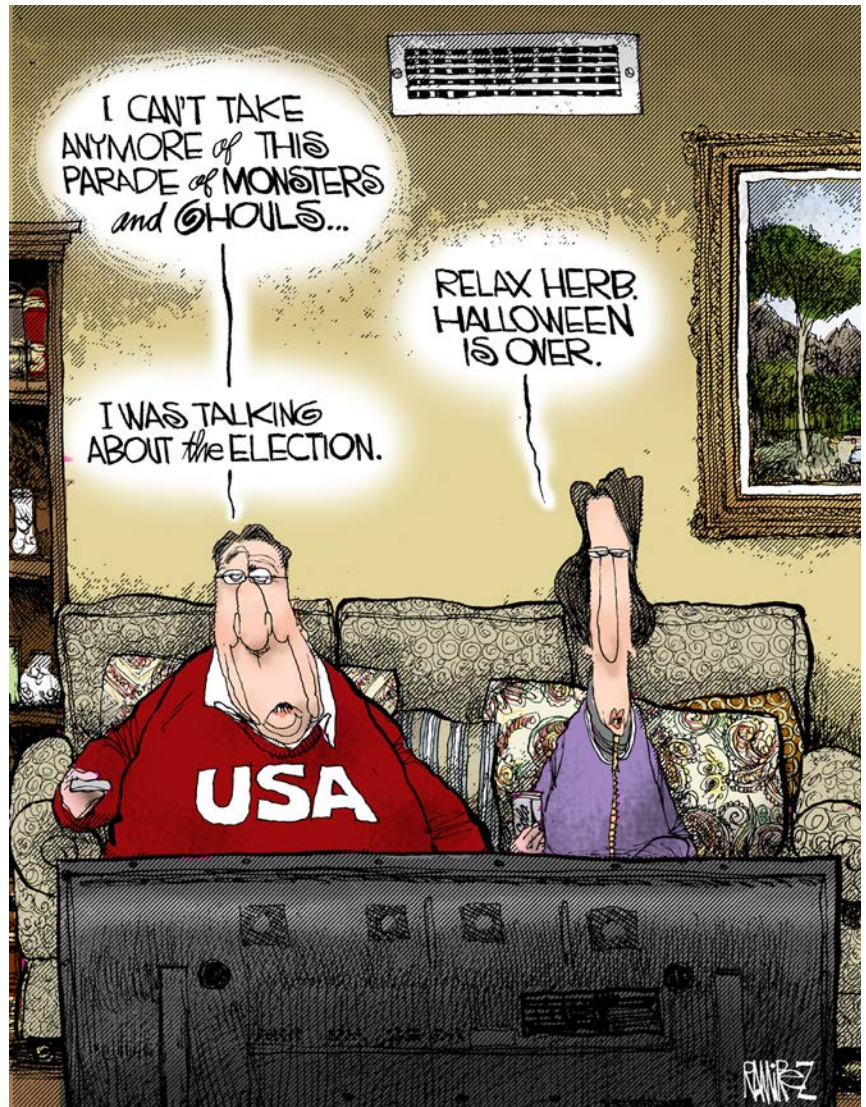
the survival of the *Post* that seemed to matter to its editorial staff; it was the newsroom's "independence" from its owner's points of view.

This is partly a consequence of the late-20th-century belief, especially strong among journalists, that the practice of journalism is a form of civic sacrament and that journalists are members of a kind of holy order: sacrosanct, above the law, safely insulated from the vagaries of commerce. But it is also a matter of partisan politics. And a case in point is the recent assurance by the chief executive of AT&T, Randall Stephenson, that if the proposed merger of his company with Time Warner is approved, the editorial "independence" of CNN, a Time Warner subsidiary, will be guaranteed.

Stephenson was especially groveling in his email statement: "CNN is an American symbol of independent journalism," he declared. "We must protect the creative talent. . . . The talent must fundamentally believe they will be afforded the same creative license [after the merger] they have today."

Of course, this might be part of the price a cynical capitalist pays to get the deal done, which is by no means assured. Or Stephenson might actually believe (as proprietors are often told) that he has no business shaping the product he owns. In any event, *THE SCRAPBOOK*'s view is that, whatever the truth behind the pious sentiments, this is all especially rich coming from the Cable News Network, which, since its inception in 1980, has been a faithful exponent of the left-liberal politics largely standard in the mainstream media.

Stephenson's email, after all, was written in response to concerns expressed by Tom Johnson, CNN's president during 1990-2001, who spent the first decade of his working life in the employ of Lyndon Johnson. It was sent along as well to CNN's founder-owner Ted Turner, who in his heyday not only directed the substance and character of CNN's content but gave it a peculiarly distasteful flavor. At the height of the Cold War,



CNN was one of a handful of media institutions that saw no particular distinction between the United States and the Soviet Union—and faithfully reflected the Soviet perspective.

Has Randall Stephenson ever heard of Vladimir Posner, the Kremlin propagandist who was one of Turner's preeminent talking heads? And who can forget Turner's contribution to world peace, the Goodwill Games, broadcast by CNN from Moscow?

It is worth noting that Tom Johnson's concerns about CNN's editorial

"independence" were first expressed in a round-robin email sent to the editor of the *Washington Post*, the publisher of the *New York Times*, the publisher of *Politico*, ex-NBC news reader Tom Brokaw, and other guardians of media orthodoxy. Accordingly, Randall Stephenson is not likely to jeopardize any

dinner invitations by breaking ranks. Hypocrisy, as they say, is the tribute vice pays to virtue. But let's not confuse CNN's editorial "independence" with anything like integrity or journalistic honor. ♦



Randall Stephenson

ROBERT SCOBLE / FLICKR

Knock, Knock, Knocking . . .

Bob Dylan, as everyone knows, was awarded this year's Nobel Prize for Literature. Everyone, that is, with the possible exception of . . . Bob Dylan. Several days after the award was announced, the committee that makes the decision still had not been able to contact Dylan. So either he didn't know or didn't care and, in either case, good for him.

As the *New York Post* has reported, "After a week of failing to return calls from the Nobel committee [the Dylan web page] promoting a book of his lyrics was suddenly updated with the phrase: 'Winner of the Nobel Prize in Literature.' But by Friday, the words were removed without explanation."

And then, there is the question of whether Dylan will travel "to accept the award, plus a cash prize of about \$740,000, at a ceremony planned for Nov. 10 in Stockholm."

All this recalls the story of another American who won the prize and created a small scandal by his indifference to the established protocols. This would have been in 1962. John F. Kennedy was in the White House and his wife Jacqueline was trying to introduce a little culture to the primitives. She held a soiree at the White House. Pablo Casals would perform and all the living Nobel Prize winners

from the Western hemisphere would be invited. The president himself gave a speech in which he described his guests as "the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone."

Not bad. But one of the no-shows at that dinner got off a better line. William Faulkner was, at the time, writer in residence at the University of Virginia in Charlottesville, about 100 miles away. Faulkner was, of course, a winner of the same prize that was just bestowed upon Bob Dylan. But Faulkner did not accept his invitation to the



Bob Dylan

White House dinner. And when he was asked, later, why not, he said, "Why, that's a hundred miles away. That's a long way to go just to eat." ♦

Election News Online

This issue of THE WEEKLY STANDARD will be the last one to carry campaign news before Election Day. Next week's issue will go to press shortly before the election but will reach most readers after the results are known. We don't want to leave you high and dry in the critical final few days. So be sure to go to our website for breaking news and analysis. Visit weeklystandard.com early and often! ♦

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Incorruptible, Uncritical Devotion

Perhaps the last place in America to see normal people is at PetSmart, the large national chain selling birds, guinea pigs, mice, turtles, lizards, and supplies for these and just about every other animal, excluding elephants, otters, walruses, panthers, and perhaps a few others. Where else can one go to get a haircut for one's dog, toys for one's cat, a small jar of crickets for one's iguana? Not the least interesting fauna to be found on the premises, though, are the store's customers, all of whom seem, somehow, a touch odd, peculiar, funny, and sometimes even a touch furry. I include myself here, of course.

PetSmart is dog friendly—so far as I know the store may also be dragon friendly—which means that customers often bring their dogs in while shopping. Some of these dogs are standard breeds—poodles and labs, Dalmatians and Yorkies—but many are mixed breed, and some of an ugliness so astounding that one wonders how their owners could possibly love them. Yet, clearly, love them they do. This love is a testament to the kindness that resides in some human hearts.

I have seen owners of corgis who themselves have preternaturally short legs, owners of bulldogs whose faces seem to be mashed in, owners of poodles who themselves have prissy walks. The question this brings up is whether people come to resemble their dogs or instead instinctively choose dogs who resemble them? Like so many of the world's fascinating questions, this one has no answer.

The acquisition of an animal can change one's life. In a remarkable

passage in *My Father and Myself*, J.R. Ackerley, a friend of E.M. Forster and in his day the editor of the BBC's *Listener*, describes his years as a cruising homosexual with a taste for what the English called "rough trade." As a result of these ventures, not infrequently, as Ackerley allows, at the close of an evening he would find himself duct-taped to a chair while one or another of these young men went through his drawers. Then,



in his 40s, he acquired an Alsatian bitch hound, Queenie by name, and everything changed. "She offered me what I had never found in my sexual life," Ackerley wrote, "constant, single-hearted, incorruptible, uncritical devotion." Post-Queenie, Ackerley's cruising days were done.

At the PetSmart store I frequent, upon entering one sees, off to the right, a large room where four or five men and women are grooming dogs. Off to the left is an ample room where dogs are left for the day, or perhaps longer, there to romp in the company of other dogs. Who cleans up after them I do not know. An MBA is not required, and competition for the job, I should imagine, is not stiff. Sometimes on weekends one or another animal shelter will set up in the middle of the center aisle with five or six cats up for adoption.

The one service PetSmart doesn't provide is veterinary medicine, which can be very, even wildly, expensive. On a book tour in Los Angeles some years ago, I was told by a woman escorting me that she had just paid fees of more than \$6,000 for chemotherapy for her 12-year-old yorkiepoop. I had a friend who briefly worked for a veterinarian in Sea Island, Georgia. She described Mrs. Van den Heuvel coming in with Truffles, her Pomeranian, claiming the poor creature was sadly off his feed. "Not to worry," the vet told her, "we'll have Truffles's appetite back in no time." He then instructed my friend to make certain the dog went unfed for four full days, at the end of which time Truffles was ready to eat Mrs. Van den Heuvel's Ferragamo shoes. What he charged for starving the dog my friend did not know; ample, she supposed.

I mentioned the oddity of the customers at PetSmart, but neglected to say that it is an oddity I find agreeable. This is the oddity of people

whose love of animals entails their feeding and protecting them, sometimes at considerable expense, which not so much defies as exceeds rationality. Even the cashiers at the store seem out of the ordinary. When I pay for my usual order of a bag of kitty litter and a month's worth of Wilderness dry cat food (Chicken Recipe), one or another of them asks if I want a bag. "No thanks," I say, "I'll eat it here," which usually doesn't evoke a smile.

"Nowadays we don't think much of a man's love for an animal, we laugh at people who are attached to cats," Aleksandr Solzhenitsyn wrote in his novel *Cancer Ward*. "But if we stop loving animals, aren't we bound to stop loving humans too?" I have no doubt but that we are, which is why I find a trip to PetSmart refreshes the spirit.

JOSEPH EPSTEIN

A Populist-Nationalist Right? No Thanks!



Patrick J. Buchanan, a fervent Donald Trump supporter, wrote recently and approvingly that Trump’s campaign embodies “the populist-nationalist right that is moving beyond the niceties of liberal democracy.”

To which we say: No thanks.

Don’t get us wrong. We’re sympathetic to an enlightened populism. We’re friendly to a civilized and civilizing nationalism. But we’re even more committed to a constitution of liberty. We’re even more attached to the cause of self-government. What Buchanan dismisses as “the niceties of liberal democracy” we call the forms of freedom—and of civilization.

We’d go further. One of the historic tasks of American conservatism has in fact been to preserve and strengthen American liberal democracy. Conservatives have often been better at this than liberals have been, because conservatives are more aware than liberals of liberal democracy’s weaknesses and less complacent about its success.

So conservatives have trained their fire on the many threats to liberal democracy from, broadly speaking, the left: against a liberationism that cannot distinguish between liberty and license; against an egalitarianism that cannot distinguish between equal rights and a leveling down of natural or merited distinctions; against a nanny-statism that cannot distinguish between a safety net and a suffocating blanket; against a hopefulness that cannot distinguish between the world as it is and the world as one would like it to be; against a progressivism that cannot distinguish between learning from history and succumbing to History.

But American conservatism is also a conservatism that, while rejecting the intolerance of the present, disdains the bigotry of the past; that, while respecting the public, insists that *vox populi* is not *vox dei*; that, while pledging allegiance to the American nation, also does so to principles of liberty and justice for all; that, while cherishing our freedom as Americans, hopes that one day all men will be free.

Is this “liberal” form of conservatism—American conservatism—not fierce or ferocious enough for Buchanan? Is it too hesitant to grab at what it desires, too shy about pursuing only narrow self-interest, for Trump? They apparently think so. They scorn the American conservative tradition. And they scorn the Republican party, which has been the carrier of that tradition in recent times. Buchanan long ago left the GOP. Trump only recently joined it, and having seized its nomination, now attacks many of its most distinguished representatives.

What happens next? Who knows? Perhaps the Republican party once again can become a vehicle to strengthen liberal democracy. Perhaps a new third party needs to come into being, a liberal-democratic alternative both to the progressive, nanny-state left and the populist-nationalist right.

But whatever happens in the future, we remain convinced that American conservatism is vastly superior to European-style ethnic and populist nationalism. So to Pat Buchanan, we say the “niceties” of liberal democracy are preferable to the uglinesses of illiberal democracy. And to Donald Trump, we say, nicely: #NeverTrump.

—William Kristol

Yes, 'It's a Scandal'

Around every election, basic cable stations dust off their copies of *All the President's Men* and start airing it. For better or for worse, Watergate is still central to modern politics and especially modern journalism. It's encouraging, of course, that we still want to believe no American, including the president, is above the law, and that all we need to stop corruption is for enterprising journalists to expose it. However, this year might well be the death knell of the Watergate mythos. In 2016, we learned that exposing prosecutable corruption at the highest levels is no impediment to a presidential campaign, nor is it a particular problem for the current president.

Earlier this year, Kristian Saucier, a sailor found guilty of taking six photos of the interior of a nuclear submarine on his phone, was sentenced to a year in prison, along with six months' home confinement, 100 hours of community service, and a ban on owning guns. Such photos are considered "confidential" information, the lowest level of classification. When THE WEEKLY STANDARD reached out to the Hillary Clinton campaign to ask if they could explain why Saucier was convicted, but Clinton was not prosecuted for mishandling 110 emails on her private server marked as classified at the time they were sent and 22 emails that contained "top secret" information—the highest level of classification—they did not respond. Nor have any other media elicited a response, assuming any have sought one. National security violations, it seems, are for the little people.

In recent weeks, a clearer explanation for this miscarriage of justice has started to emerge. Thanks to WikiLeaks, we know that when President Obama claimed to have first learned about Clinton's illegal email server in the news he was almost certainly lying. In fact, as soon as the *New York Times* reported his claim of ignorance, Hillary Clinton's lawyer Cheryl Mills (also her chief of staff at State) sent an email to John Podesta saying, "We need to clean this up—he [Obama] has emails from her—they do not say state.gov." Podesta also sent a note to Mills inquiring whether they could enlist Obama to hold back inquiries into Clinton's emails by asserting executive privilege.

When you combine this with FBI revelations in September that Obama was emailing Hillary Clinton using a pseudonym, it's easy to understand why the president

would have been delighted to see the FBI shut down its investigation of Clinton's email server without recommending any prosecutions.

But just because Clinton escaped legal jeopardy doesn't mean she should escape judgment in the court of public opinion. This, however, would require an aggressive media determined to hold the most powerful leaders in the land accountable, if that's where the facts lead them.

The lessons of Watergate, however, have never been applied to the Obama White House. Hillary Clinton's email scandal isn't an outlier; it's the culmination of a presidency that has been contemptuous of accountability and public scrutiny from day one. Attorney General Eric Holder was held in contempt of Congress after he withheld 92 percent of the relevant documents from investigators, ignoring subpoenas, and silenced Justice Department employees in the investigation relating to the still-unexplained Fast and Furious scandal, in which the Justice Department's Bureau of Alcohol, Tobacco, and Firearms gave Mexican drug cartels thousands of guns resulting in scores of deaths, including that of a U.S. border patrol agent.

Even after Obama preposterously insisted there was not a "smidgen of corruption" at the IRS, despite the agency's admission that it had improperly targeted conservative groups seeking nonprofit status, the IRS defied a congressional subpoena and destroyed 24,000 emails to and from Lois Lerner, the official most implicated in the corruption. Not a single IRS employee has ever faced charges.

And Eric Holder, former EPA secretary Lisa Jackson, and former health and human services secretary Kathleen Sebelius were all known to have used email pseudonyms for public business in ways that, to varying degrees, may have run afoul of the law. Use of email pseudonyms in the Obama administration was so pervasive, the recent revelations suggest the idea of doing so may have come straight from the top.

On October 23, many liberals were no doubt happy to ignore the guest on *Fox News Sunday* who declared that the dealings of the Clinton Foundation were incontrovertibly "corrupt" and that "it's a scandal," before going on to decry the fact there is "no formal investigation going on now" of "the mixing of speech fees, the Clinton Foundation, and actions by the State Department, which [Hillary Clinton] ran." These remarks were largely tuned out by the media, as though they were the ravings of some random blowhard. But they weren't. They came straight from the lips of Bob Woodward, Mr. Watergate himself. It's a telling commentary on the partisanship of American journalism that when Bob Woodward speaks of holding presidents accountable, no one is willing to listen.

—Mark Hemingway



His Favorite Punching Bag

Trump pummels Ryan.

BY FRED BARNES

No good deed goes unpunished, even if you are House speaker, third in line to the presidency, and didn't want the job in the first place.

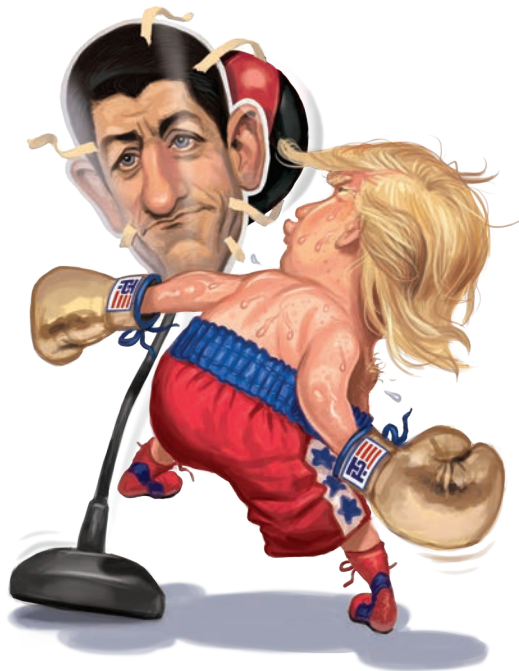
Paul Ryan has spent more time with Donald Trump than any Republican leader in Washington discussing the Republican agenda in 2017. He's met with Trump three times and communicated with him many more, endorsed him, invited him to address the 246 members of the House GOP caucus, and called at the Republican convention for party unity behind Trump as presidential nominee.

What has Ryan gotten in return? Trump now attacks Ryan routinely, even though turning the speaker into his Washington punching bag doesn't improve his chances of winning the White House. Rather, his digs at Ryan are irrational and may hurt his prospects.

That's not all. Trump's campaign manager Steve Bannon is a vehement critic of Ryan. As head of the *Breitbart News* website, Bannon told his employees he wants to "destroy" Ryan, according to the *Hill*. Last week, *Breitbart* ran a story with this headline: "He's With Her: Inside Paul Ryan's Months-Long Campaign to Elect Hillary Clinton President." It wasn't a gag.

Trump has his reason—one reason, singular, not plural—for going after Ryan. On October 10, Ryan spoke to House Republicans in a

conference call. It was three days after the video with Trump's lewd comments about women had been leaked. Ryan told the House members he would no longer defend Trump or



At this point, Ryan simply ignores Trump. In speeches, he attacks Hillary Clinton without mentioning Trump. While Trump sees Ryan as his enemy, Ryan treats him merely as a nonperson.

campaign with him. This leaked too.

Ryan, by the way, didn't revoke his endorsement of Trump, despite pressure from advisers to do so. Now he simply ignores Trump. In speeches, he attacks Hillary Clinton without mentioning Trump. While Trump

sees Ryan as his enemy, Ryan treats him merely as a nonperson.

But Ryan is hardly idle. His task is bigger than touting a Republican nominee who's likely to lose. Ryan is focused on preserving the GOP majority in the House, speaking at fundraisers for House members, and funding much of the Republican effort nationally. He's appeared with roughly 100 members and helped them raise \$10 million. From his own PAC, he's transferred nearly \$35 million to the House GOP campaign committee.

If Republicans keep control of the House, Ryan will deserve a large share of the credit. In addition to fundraising, he's given Republicans allergic to Trump something to talk about: an agenda of tax cuts, anti-poverty ideas, a health insurance plan to replace Obamacare, and other reforms.

And yet for all Ryan has done to reelect Republicans, his split with Trump has had a bigger impact on him personally and on his political future. That impact has been largely detrimental.

For example, a small number of conservative House members are talking up a challenge to Ryan's speakership. They lack a credible opponent to replace Ryan, but it wouldn't take many defections on the House floor to prevent Ryan from getting the 218 votes needed for reelection as speaker.

Nine conservative GOP members declined to vote for Ryan a year ago and eight of them are sure to be back for the new session of Congress. Subtracting those 8 reduces the Ryan vote to 238. Republicans are also likely to lose 10 to 20 seats in the election as a result of natural attrition and the Trump drag. Splitting the difference, 15 fewer Republicans would leave 225. That's a small margin for error for Ryan, assuming he runs again for speaker.

Even Ryan allies believe, as one told me, "he hurt himself with his own caucus [by] the way he went out of his way to criticize Trump.

Fred Barnes is an executive editor at THE WEEKLY STANDARD.

DAVE CLEGG

This was a total unforced error and unnecessary.” Given Trump’s ego, there was no possibility he would let Ryan’s words pass without responding. What’s surprising, however, is that Trump would still be responding more than two weeks later. That’s a vendetta.

Trump has accused Ryan of everything from disloyalty to hoping Trump will lose the election. “Maybe [Ryan] wants to run in four years and maybe he doesn’t know how to win,” Trump told ABC News correspondent Tom Llamas. “I mean, who can really know?”

In a tweet, he called Ryan “our very weak and ineffective leader” and referred to “a bad conference call where his members went wild at his disloyalty.” In another tweet, Trump said, “Disloyal R’s are far more difficult than Crooked Hillary. They come at you from all sides.”

Trump has unleashed his followers to come at Ryan from all sides. And guess what? In a YouGov/*Economist* poll of Trump partisans, 64 percent had an unfavorable view of Ryan. A Bloomberg poll of Republicans found 51 percent feel Trump better represents their view of the GOP than does Ryan, who was backed by 33 percent.

Numbers like those indicate Trump’s attacks have affected Ryan’s prospects for running for president in 2020, a Ryan-friendly strategist says. “I’m afraid he has by turning his large following of Republican primary voters against Ryan.”

Trump’s wrath is out of proportion with Ryan’s offense. It was a small mistake. The fact that Ryan wouldn’t join Trump at rallies or defend him was not earth-rattling. It was newsworthy because the media hates Trump, and Ryan is the top-ranking Republican in D.C.

In Ryan’s case, time will heal his wound. In Trump’s, his tribe will begin to unravel if he loses. Even if he wins, he should be wary of standing in Ryan’s way. Ryan is the party’s ideological and political strength, its path to victory. Trump is an interlude—better than Hillary Clinton but still an interlude. ♦

Where the Rubber Meets the Road

In California, Prop 60 comes to a head.

BY ANDREW FERGUSON

We’ve heard some weird political arguments this year. The strangest of them is raging in California, where else? There the hotly contested question revolves around an electoral initiative known as Proposition 60.

Prop 60 is a ballot baby that only Californians could conceive. The state’s system of citizen-sponsored ballot initiatives, dating back to 1911, was one of those progressive schemes that managed to produce the opposite outcome from the one intended: In hopes of returning power to the people and making state government more responsive and efficient, the initiative system has managed to empower wealthy special interests, baffle the average citizen, and render the state government a sclerotic, half-paralyzed Leviathan, at once despotic and feckless. So of course Prop 60 seeks to make the government more powerful.

The oddest question it raises, however, is this: Should a guy watching a porn movie be allowed to sue the producers if the people in the movie aren’t wearing condoms? As Yul Brynner said in *The King and I*: “Is a puzzlement.”

There’s more to Prop 60, all with the ostensible goal of “worker safety”—that is, stopping the spread of HIV. If it passes, it will require all makers of pornographic movies to register with the state health department and post a health license wherever they ply their trade. They must pay for regular health screening of their employees for sexually transmitted diseases and require them to wear condoms whenever they are engaged

in intercourse. (Which, during working hours, is pretty much all the time—once they’re done with that, it’s yabba-dabba-doo.) State regulators will be able to pop onto a photo shoot whenever they want to make sure that everybody’s adequately regulated and in compliance.

The backers of Prop 60 worry that state regulators will lie down on the job. They have reason to worry. California law already makes it illegal for employers to expose their employees to pathogens borne by one bodily fluid or another. In 2012, voters in Los Angeles passed an ordinance, Measure B, requiring everybody appearing in a porn movie to use a condom or some similarly protective device. Yet nobody, pro or con, claims that either rule has been enforced.

This is why Prop 60 allows private citizens to end-run the regulators and take matters into their own hands. Any viewer of a porn movie who gets offended by a lack of prophylaxis will be able to file a claim with the state. If the state agencies fail to take action, the blushing customer can sue the movie’s producers, or indeed anyone with a financial stake in the movie, and force a cash penalty that will be split 75-25 between the state and the plaintiff.

A vast array of interests is united against Prop 60, including both state political parties, the editorial boards of every major newspaper, the medical establishment, and a host of trade groups. The most prominent of them is the Free Speech Coalition, the “Trade Association for the Pleasure Products and Adult Entertainment Industry.” (Think of BP sponsoring a Committee for Cleaner Beaches.) Reading about Prop 60 it’s easy to

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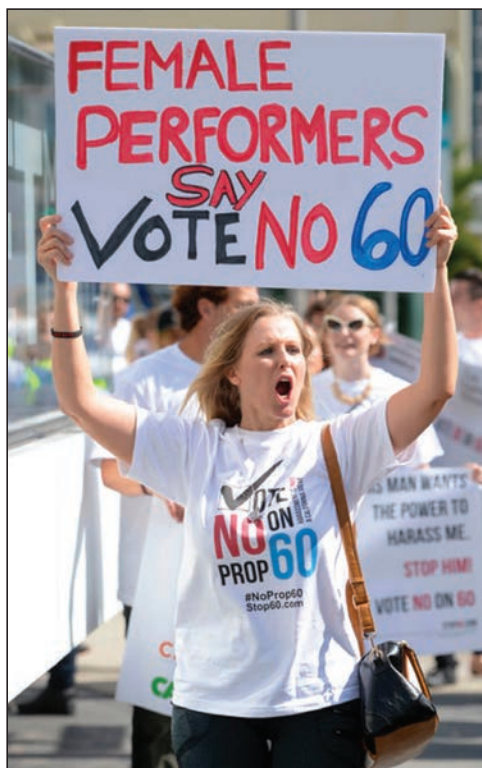
get lost in a forest of dubious euphemisms like this. “Adult Entertainment,” for example, is a genteelism for “dirty movie” or “porn,” and its use is particularly ironic given pornography’s mission, which is to affirm an adolescent fantasy that should be less appealing (and plausible) as a person becomes an adult. “Pleasure Products” refers to dildos and other toys, some of which—horrifying to contemplate—are edible. The prostitutes who are paid to have sex for the pleasure of the viewer are called “workers” or “sex workers.” The pimps who hire them are called “filmmakers.” As for the rented houses and apartments where the sex is typically filmed—or, just as often these days, streamed live over the web—these constitute a “workplace.” Like a steel mill.

The arguments of “the adult entertainment industry” read like a parody of a chamber of commerce brochure on the evils of regulation. Prop 60, says the literature, is a solution in search of a problem: Industry records show that no cases of HIV have been contracted on a porn movie set—in an industry workplace, I mean—since 2004. Prop 60 also will encourage litigation in a state already choking with frivolous lawsuits from trial lawyers. And it will subject the infinite variety of businesses within the industry to a (this is their term, not mine!) “one size fits all solution.”

Newspaper editorial writers are especially wary of the possible economic consequences of Prop 60, which, they say, could force the industry to pack up its sex toys and move to another state; Nevada and Florida are mentioned most often. The industry generates a large but unknown amount of tax revenue—easily in the tens of millions of dollars—for California state and local governments. As many as 33,000 jobs, the critics argue, could be “impacted” if the pimps decide to go elsewhere.

And then there are, pardon me again, the perverse effects that typically follow regulation, no matter

how well meaning. A rule designed to protect workers will in practice make workers less safe, by driving what remains of the industry underground, beyond the reach of even the slackest government monitoring. And besides, says the adult entertainment industry, the adult entertainment industry is already a conscientious member of the business community, doing an excel-



Members of the adult entertainment industry protest Prop 60 in Hollywood, October 17.

lent job of policing itself. Industry protocols suggest that workers get tested for venereal disease every 14 days. Silicon Valley should be so safe.

What the pornographers fear most of all, however, is the empowerment of a single man. Michael Weinstein is founder and president of the AIDS Healthcare Foundation, one of the largest such organizations in the world. He seems to be the sole motive force behind Prop 60, as he was behind Measure B. Indeed, it was the failure of the Los Angeles County health cops to enforce the earlier condom regulation that inspired him to draft this statewide initiative. Spokesmen for the main pro-60 organization declined to

comment, but according to published reports Weinstein has already spent \$4 million promoting Prop 60.

In the early days of the AIDS epidemic, as one of the first to sound the alarm and agitate for urgent medical research, Weinstein was crowned a hero. Today, says Mike Stabile of the Free Speech Coalition, “he is widely despised in the community.” Another member of the community told me why: He is “condom-obsessed.” In the industry, condoms form the fault line of a roaring controversy. Most workers and producers believe that pharmacology has rendered condoms obsolete. New drugs like Truvada are heralded not only as antidotes to AIDS but also as preventatives—a regular dose, goes the theory, will reduce the chance of contracting HIV to nearly zero. Adamantly pro-condom, Weinstein is increasingly isolated on his side of this argument.

Thus Weinstein, in the inverted world of contemporary smut, stands as a traditionalist.

“He has a more conservative outlook,” Stabile says. “I think he has issues with porn in general. In the end, for him, this is not about worker safety, it’s about getting condoms in the films.”

Stabile is almost certainly correct. Writing in the *Huffington Post* a few years ago, Weinstein extolled the “‘educational’ aspect of porn.”

He worried about “the effect that the films themselves have on public health. The fact that most straight porn is made without condoms sends a horrible message that the only kind of sex that is hot is unsafe.”

This is the nub of the argument over Prop 60. Its detractors worry about economics, jobs, regulation, consumer preference. Its supporters meanwhile believe that only when the industry is festooned in condoms will pornography, at long last, achieve its enormous potential as a force for social betterment.

Is California the only place in the country where such an argument could be made with a straight face? Probably. For now. ♦

The Strangest of Bedfellows

Why did social conservatives hook up with Trump?

BY JONATHAN V. LAST

Last week, *Buzzfeed's* Katherine Miller observed that the most interesting thing about Donald Trump is what he reveals about other people. This depressing truth has been on display for the better part of a year as Trump has laid bare the cowardice of much of the Republican establishment, the toxic revanchism of a non-trivial number of Republican voters, and the opportunism and corruption of swaths of the conservative media.

But the biggest surprise in this shambling march of shame is what Trump revealed about some of America's religious leaders.

Trump's support in the primaries from religious voters was complicated: He did very well among people who self-identified as religious, but not so well among voters who actually attend church regularly. Yet the *elites* of the social conservative movement were—with the exception of the alt-right—Trump's most steadfast supporters. They came to him early and have stayed with him, unblinkingly, to the bitter end.

It's a strange attraction. Trump is twice-divorced and has written in detail about extramarital affairs, sometimes with married women (to say nothing of his boasts about how he treats women generally). He refers to the communion host as "the little cracker" and talks about reading "two Corinthians." He says his favorite message in Scripture is the part about "an eye for an eye." He says he has never had cause to ask God for forgiveness.

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And yet Trump's faith tradition has given most evangelical leaders no pause whatsoever. In 2012, when Trump spoke at Liberty University, school president Jerry Falwell Jr. introduced him as "one of the great visionaries of our time." Trump urged the students to "get even" if they are ever wronged and to never get married without a prenuptial agreement.

In January of 2016, Falwell brought him back to Liberty and was even more effusive: "Donald Trump lives a life of loving and helping others," he said, "as Jesus taught in the great commandment."

A handful of social conservative leaders resisted Trump—most notably Russell Moore, the head of the Southern Baptist Convention. Moore opposed Trump from the start and has spent the last year warning his fellow evangelicals that they were making a grave mistake. But Moore and his allies were the exception rather than the rule. Most evangelical leaders lined up behind Trump as the race went on.

Franklin Graham, for instance, praised Trump, saying, "[H]e's shaking up the Republican party and the political process overall. And it needs shaking up!" After he secured the nomination, Trump met with an assembly of more than 1,000 Christian leaders in New York City, where he made sure to advertise his view of the Gospels: "We can't be, again, politically correct and say 'we pray for all of our leaders,'" he said. "Because all of your leaders are selling Christianity down the tubes, selling evangelicals down the tubes."

In the aftermath of the big meeting, Trump launched an Evangelical

Executive Advisory Board, including, among others, Falwell Jr., Ralph Reed, James Dobson, and Richard Land (the ousted head of the Southern Baptist Convention's Ethics and Religious Liberty Commission).

Social conservative leaders were among Trump's most ardent defenders through the summer and fall, even when times got tough. After the *Access Hollywood* tape of Trump bragging about groping women surfaced, Falwell compared Trump to King David, a man with weaknesses who nonetheless defended his people.

Robert Jeffress, a pastor and member of Trump's advisory board, was a bit more circumspect. He defended his continuing support of Trump by telling the *Daily Beast* that "I would not necessarily choose this man to be my child's Sunday School teacher. But that's not what this election is about." (The *necessarily* is the best part.)

But it wasn't only evangelical leaders who threw in with Trump. The flagship journal of religion and public life, *First Things*, flirted with Trump for months before finally going as far toward endorsing him as its nonprofit status would allow. (The top two editors, R.R. Reno and Mark Bauerlein, offered official endorsements outside of the magazine's pages.)

Eric Metaxas, previously regarded by some as a high-horsepower theologian, wrote an op-ed for the *Wall Street Journal* in which he argued that (1) not voting for Donald Trump was, in fact, voting for Hillary Clinton; but (2) "a vote for Donald Trump is not necessarily a vote for Donald Trump himself"; and (3) if Trump loses the election, "God will not hold us guiltless." Evidently concerned that readers didn't fully grasp this last point, he circled back on Twitter to say, "Evan McMullin is a good man, but in this election he is a fig-leaf, there to assuage the consciences of religious people. God is not fooled." (He later deleted this tweet.)

Metaxas might have been projecting. After all, it wasn't God who was getting fooled by Trump.

Unless a President Trump really did come through with a great Supreme



Jerry Falwell Jr.

Court pick, religious conservatives were arguably the Republican constituency least likely to be well-served by a Trump administration. During the primaries Trump indicated—unequivocally—that he is in favor of both gay marriage and the transgender project. Trump was also remarkably consistent in his view that First Amendment rights ought to be curtailed. So he was an unlikely champion for religious institutions and believers under assault from the effects of *Obergefell*, the Supreme Court ruling that enshrined same-sex marriage as a fundamental right.

When it comes to abortion, notwithstanding his frequent support of Planned Parenthood, Trump may or may not have had a genuine conversion on the subject. But no reasonable assessment of his priorities would assume that abortion was an issue he would have been willing to expend political capital on as president.

In an election full of oddities, one of the foremost might be this: that the group that had the least in common with Trump, and had perhaps the least to gain from his election, will be the one damaged the most by him. Supporting Trump could very well do to religious conservatism what supporting Bill Clinton through his Monica travails did to feminism: expose it as a fully partisan and transparently hypocritical movement with no claim to moral authority.

Part of the reason Hillary Clinton's "First! Woman! President!" appeal has been so ineffective—both in 2008 and 2016—is that mainline feminism mortgaged its public standing in 1998 when it stood with Bill Clinton and against the parade of women whom he had abused. People noticed; it mattered.

The difference between the feminists then and the social conservatives now—the only difference, really—is that feminists actually got something from Clinton. As Nina Burleigh memorably put it during impeachment, "I would be happy to give him a b— just to thank him for keeping abortion legal."

For Jerry Falwell Jr., Eric Metaxas, and the rest, there will be no such compensation. ♦

The 'Hail Mary' Candidate

Evan McMullin, on the stump.

BY JOHN MCCORMACK



Evan McMullin speaks in Idaho's Boise High School auditorium, October 22.

Draper, Utah
Evan McMullin isn't trying to fool anyone. Inside a gymnasium just outside of Salt Lake City, nearly 1,000 people hoping for something better than Donald Trump or Hillary Clinton have gathered to hear the 40-year-old former CIA agent and independent conservative presidential candidate who is surging in Utah polls. "Evan Help Us," reads one sign. But McMullin isn't there to offer false hope.

"The truth is that Hillary Clinton is now dominating Donald Trump in the polls so terribly—he's competing so terribly with her—that the chances are we're going to get more of the same in Washington. I know you don't want to hear that," he says. "Donald Trump is only leading in Texas by three percentage points. *Texas*. I think he's tied in Georgia or he's losing there. This is the Republican nominee."

"If we had a Republican nominee this year who stood for" conservative

principles and inalienable human rights, "we'd be winning," says McMullin. "But we don't have that now."

McMullin mentions, almost in passing, that he has "a chance" of blocking both Clinton and Trump, in the unlikely event that the race tightens and McMullin wins a state or two. As Benjamin Morris wrote at *FiveThirtyEight* in mid-October, McMullin's chances of becoming president "are slim, not none." The numbers-crunching website gives Trump about a 1-in-50 chance of winning 269 to 275 electoral votes. If in such a scenario McMullin were to take Utah's six electoral votes from Trump—Utah polls show them neck-and-neck—no candidate would have the 270 electoral votes needed to become president and the House of Representatives would decide the race.

In deadlocked presidential elections, the Constitution directs the House to choose among the top three electoral vote getters; each state delegation gets one vote, and a majority of states is necessary to elect a new president. What are the odds, in this

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already very unlikely scenario, the GOP-controlled House wouldn't just make Trump president? Not good. But I'll let you do the math.

Utah is on the verge of being the first state in a half-century to vote for an independent presidential candidate because it may be the last state in the union where character is still king. All the voters I meet at the McMullin rally are Mormons who say they can't cast a ballot for Trump because of his lack of decency and morals but can't check the box for someone as corrupt and dishonest as Hillary Clinton.

"John Adams said, 'This constitution is made for a moral and religious people. It is wholly inadequate for any other,'" Utah state senator Howard Stephenson says when he takes the stage to introduce McMullin, a Mormon who graduated from Utah's Brigham Young University. "And yet we have arrived at that point in our nation's history when the nation as a whole is no longer moral and religious, and as a result we have the top of the Democrats' and Republican party ballots presidential candidates who are not moral and religious. It's something that should make us all pause."

Debbie Emett, a school psychologist who drove nine hours from Montana, where McMullin is only a write-in candidate, tells me she can't vote for Trump because he's "an absolute narcissistic bully. A third-grader. I work with those kids."

When asked why she doesn't think she needs to choose between the lesser-of-two-evils, she replies: "Evil is evil, but I respect your right to vote for whoever you want to. Please respect my right. I can't do that. . . . I think God's going to take care of us no matter who it is. But there's hope here."

The audience gathered at McMullin's Friday night rally is indeed hopeful and teeming with new life. It's the first time I've had difficulty hearing a recording of a candidate's speech because there are so many babies babbling and crying in the background.

McMullin doesn't speak explicitly in terms of morality, but he stresses his belief in fundamental conservative principles and the inalienable rights

to life, liberty, and the pursuit of happiness. What was once boilerplate for a Republican candidate is a jarring break from the rhetoric of the 2016 GOP presidential nominee. These remarks are met with loud cheers from the crowd, but the loudest cheers of all come when McMullin calls for "a new conservative movement." McMullin says a new movement would stand for liberty, fiscal restraint, federalism, and an open and fair economy that won't "only serve the interests of large corporations."

"A new conservative movement will be open to people of all faiths and all races," McMullin adds. He pauses and is greeted by a full second or two of silence before a smattering of applause and cheers breaks out. "That was supposed to be a dramatic pause," the rookie candidate explains with a smile, drawing loud laughter from the whole crowd. "You still nailed it. You were good."

The following morning, I meet with McMullin, his running mate Mindy Finn, and top aide Rick Wilson in the lobby of a Salt Lake City hotel to find out how exactly this new conservative movement would differ from the conservative movement that existed before Trump announced his candidacy in June 2015.

"It would be different because it would re-embrace the truth that all men and women are created equal and the cause of individual liberty," McMullin replies. In other words, it sounds a lot like a return to the conservative movement of 2015 and a break from the Republican nominee of 2016.

McMullin and Finn both openly discuss the possibility of starting a new party if the GOP continues to be dominated by Trumpism after the election. "The real question is what's going to be the best vehicle for conservative principles," says Finn. "It's clear to us right now that the Republican party is failing to be the body to represent conservative principles. If it continues to fail to be that body, then, yeah, I think that it would be necessary to have a new political party."

But how will they determine whether the Republican party remains in the grip of Trumpism in

2017? What are the policy differences between, say, Trumpism and Cruzism? "I think it's an affect difference in large degree," McMullin adviser Rick Wilson replies. "And that affect is a big thing in politics."

"Ted Cruz has now aligned himself with Donald Trump, and I don't think you can really separate the two," Finn adds of the Texas senator and Tea Party favorite.

McMullin has been sharply critical of GOP leaders for falling in line behind Trump and thinks his own candidacy might help to keep a check on a likely Clinton presidency. "I think we're helping on the down-ballot situation," McMullin says. "People come to Mindy and [me] and say, 'I wasn't going to vote, and now I am.'" McMullin is named on the ballot in just 11 states but will likely be an official write-in candidate in 32 more.

There's been some speculation that McMullin's presidential bid might set him up for a congressional bid in his home state of Utah. Asked if running for the House or Senate is something he'd consider in the future, McMullin answers: "Yes, but we're really focused on the movement now. I wasn't intending to run for office now. I thought that I might someday, in like 10 or 15 years. Somebody as a part of this movement will need to run for office. I'm not convinced it needs to be me."

"I'm more interested in building the movement. I think that's more interesting. That's what's needed right now," McMullin continues. "What's required now is getting the message out about what true conservatism is and then building a population of support behind it, not just here in Utah or the Mountain West but across the country."

For now, of course, he has a presidential race to mind. Twice during our interview voters interrupt to introduce themselves to McMullin and tell him that they're voting for him. McMullin explains to one couple, Tim and Roxanne from Lehigh, Utah, that Hillary Clinton is likely to win but he has a chance of blocking both candidates if he wins Utah. Tim listens patiently and then replies: "We want the 'Hail Mary' to work." ♦

Will They Roll the Dice with Him?

Nevada and Trump.

BY ETHAN EPSTEIN

On October 19, a thousand people or so packed into Stoney's Rockin' Country, a cavernous music venue not far from the Las Vegas airport, to watch the final televised confrontation between Donald Trump and Hillary Clinton. The party was hosted by the Trump-boosting Great America PAC, and before the main event, Larry Elder took to the stage to warm up the crowd. Elder, a black conservative radio host who calls himself "the Sage of South Central," excoriated the "RINOs" (Republicans In Name Only) who refuse to support Trump's candidacy.

"They say he's too 'vulgar,'" he said dismissively.

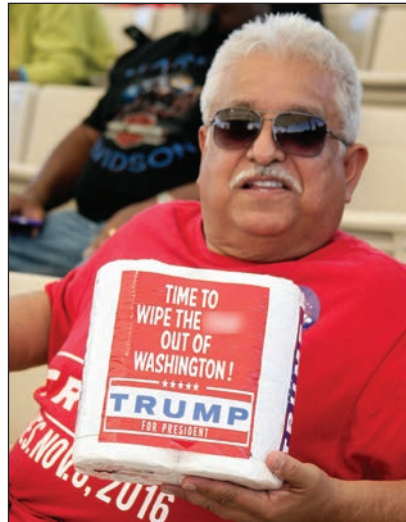
From the back of the room came a shout: "F— that!"

The room exploded in laughter, and many in the multiethnic crowd—including a group of young Chinese Americans, who carried signs sporting pro-Trump messages in simplified Chinese characters—turned around to applaud the twentysomething woman sporting a red "Make America Great Again" hat who had voiced that impolitic interjection.

One of the reasons Donald Trump's path to the White House looks increasingly perilous is that he's woefully underperforming Mitt Romney in several key swing states. If the state polls are correct, Trump is unlikely to match the 2012 Republican nominee's performance in New Hampshire, Virginia, Colorado, Arizona, and North Carolina, to name a few. But there are a few notable exceptions, namely Iowa,

Ohio, and Nevada, where Trump has held his own. Trump needs to carry all three if he wants to make it to the White House.

The affinity of the first two for Trump is fairly easily explained: Iowa and Ohio are filled with the kinds of downscale white voters who have



Trump toilet paper shown at a rally for the candidate in Nevada, October 5

powered the real estate mogul from the beginning of his candidacy, and they are less ethnically diverse than the nation as a whole. But Nevada, on the face of it, should be more hostile. Obama won the state twice, by 13 points in 2008 and 7 in 2012. And if "demographics are destiny," as the cliché has it, then the Silver State should be tough territory for Trump. For one, at 6.3 percent LDS, it's the fourth-most Mormon state in the country, and Mormons have been notably cool to Trump's candidacy. (Trump may even achieve the impossible and manage to lose Utah.) More troubling,

it might seem, for Trump: Nearly 30 percent of Nevadans are Hispanic. Trump's taste for taco bowls notwithstanding, Hispanics are reputed to be extremely hostile to his candidacy.

Yet despite those factors, the number-crunchers at *FiveThirtyEight* give Trump a 30 percent chance of carrying Nevada versus, say, an 8 percent chance of winning Virginia and a 13 percent chance of taking New Hampshire. (Back before the release of that now-notorious "locker-room talk" video, the site pegged Trump as the favorite in Nevada.) The *Las Vegas Review-Journal*, the state's largest newspaper, recently endorsed Trump, becoming the country's only major paper to do so. And let's not forget that Trump won an absolute landslide in the GOP caucus here, taking 46 percent of the vote at a time when there were still 11 candidates on the ballot and besting the next closest contender, Marco Rubio, by more than 20 percentage points. Clearly there's something, well, Trumpian about the state.

University of Nevada, Las Vegas, (UNLV) professor Ted Jelen, a longtime political observer of his state, has a few theories on this. "First, the possibility of an Hispanic electoral mobilization (prompted by Trump's very explicit anti-immigrant stance) may have triggered a counter-mobilization among older, noncollege whites," he tells me. "Second, Trump's core constituency is in fact older, noncollege-educated white males. We have a lot of those here in Nevada (average education is considerably below the U.S. average) and Trump seems more popular than Romney among those voters."

Indeed, according to the Census Bureau, Nevada is 45th in college educational attainment; only 22 percent of the state's population has even a bachelor's degree. (By comparison, swing state Colorado is number three and Virginia number six in bachelor's degrees.) Jelen also points out that Nevada is fertile ground for third-party candidates and that the Libertarian candidate Gary Johnson has been doing well here, hurting Clinton.

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Trump, moreover, is actually faring better among Nevada Hispanics than Mitt Romney did in 2012; a CNN/ORC poll has him pulling in 33 percent versus the 25 percent of Nevada Hispanics who backed Romney in 2012. That may be because Hispanics have long had a presence in the state; they don't have the kind of profound ethnic consciousness that first- and second-generation immigrants tend to have. David Damore, another UNLV professor, tells me that only 35 percent of Nevada Hispanics are "Spanish-dominant," which points to the long and established history of Latinos in the state. Needless to say, immigration isn't as pressing an issue for a fourth- or fifth-generation American as it is for a recent arrival.

Back at Stoney's, the locals have their own theory for why Trump is doing relatively well here: Voting for The Donald gives Nevadans a way to punish Harry Reid. "It's all about giving a 'f—you' to Harry Reid," one middle-aged small-business owner

tells me. (He too appears unruffled by Trump's vulgarity.) A similarly aged woman—a Democrat who tells me she is supporting Trump, the first time she'll ever vote for a Republican—nods in agreement. The retiring Senate minority leader, who polling indicates is the fifth-least-popular senator in his home state, opted to retire rather than face humiliation at the polls. Voting for Trump is at least one way to express displeasure at Reid's tenure. The presence of Reid, of course, is a double-edged sword: His formidable political machine is hard at work getting the vote out for Hillary Clinton.

And then there are the cultural affinities between Trump and Nevada. UNLV's Jelen says that "the political culture of Nevada is very libertarian and antistatist. Trump's antiestablishment appeal seems pretty strong here, in a way which neither McCain nor Romney could exploit." (In Lionel Shriver's new novel *The Mandibles*, which envisages a totalitarian United

States several decades from now, it is the state of Nevada that secedes and strikes out on its own as an independent libertarian country.) Trump's personal abstemiousness notwithstanding, a state with legalized prostitution, bars filled with cigarette smoke, and 24-hour gambling seems more in line with him than with Romney—or Clinton.

Even the aesthetics are right. The Trump International Hotel, a 64-story gold behemoth that looms over the Las Vegas strip, looks right at home in a town renowned for its gaudy architecture. Las Vegas is the kind of city where there's nothing strange about a person eating a bucket of KFC with gold-leaf flatware, as Trump famously does. Indeed, that combination of chintz and luxury is classic Vegas.

That's why it's a bad sign for the Republican nominee that, after leading the polls here for a period, Trump has lately fallen slightly behind. On November 8, what happens in Vegas probably won't stay in Vegas. ♦

Stopping the Litigation Machine

By Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

There hasn't been much talk of legal reform throughout the 2016 campaign, but those we elect next week will nonetheless play a major role in determining the future of our litigation system. The stakes are high for our entire economy. The plaintiffs' bar has helped create a well-oiled litigation machine that siphons billions of dollars out of successful businesses through often frivolous lawsuits.

The aggressive and innovative trial bar is always looking for new ways to game the American justice system. It has helped create a legal environment rife with prosecutorial abuse, over-enforcement, and over-criminalization of business. We've seen a proliferation of class action lawsuits that have no merit, use sophisticated marketing schemes to attract uninjured plaintiffs, and are often financed by third-party investors whose only motive is profit.

The U.S. Chamber Institute for Legal Reform's (ILR's) mission is to stop this litigation machine and restore sanity to our civil justice system. We're battling third-party litigation financing, advocating for legal reform in the states, and fighting federal rules and regulations that directly empower plaintiffs' lawyers to abuse American justice for their own financial benefit.

A recent notable example is the Consumer Financial Protection Bureau's (CFPB's) proposed rule restricting the use of arbitration clauses. Arbitration is a crucial consumer right. It empowers those with legitimate disputes to resolve them easily, quickly, and affordably on their own without having to hire a lawyer.

CFPB's rule will have the practical effect of eliminating arbitration for most consumers by prohibiting arbitration clauses that don't also allow class action suits. This will benefit only the trial bar, meaning the very agency designed to protect consumers is now proposing a rule that will hurt them. We expect the battle over arbitration to

intensify in the year ahead—in Congress, the agencies, and the courts.

ILR shined a spotlight on the litigation machine at its annual Legal Reform Summit last week, inserting these and many other issues into the public debate during this busy election year. Attendees heard from high-profile leaders from both government and private industry, including a keynote address by Mitt Romney, legal reform champion and former governor of Massachusetts.

The litigation machine impacts not only the health of American business but also the integrity of our justice system and the vitality of our entire economy. That's why no matter who wins next week, the U.S. Chamber of Commerce will continue to fight for legal reform in the next administration and Congress and ultimately stop this machine from wreaking any more havoc on our economy than it already has.



U.S. CHAMBER OF COMMERCE
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A Good Resister

John McCain, still fighting back.

BY GEOFFREY NORMAN



With two broken arms and a broken leg suffered when he was shot down, John McCain is tended to in a Hanoi hospital as a prisoner of war in fall 1967.

He is 80 years old now. He was 31 when his A-4 was hit by a missile over Hanoi on October 26, 1967. You wonder if it occurred to John McCain, on the anniversary of that date, how improbable his life has been since then. How fortunate, in fact, he is to have had a life at all. He could have drowned in the lake where he landed after ejecting from his ruined airplane. Both arms and one leg were broken. He managed to inflate the life preserver that aviators called a “Mae West” with his teeth.

Surviving ejection was, as everyone knows, just the beginning. After he was pulled from the lake, he was given special treatment by his captors who

saw him, correctly, as prime propaganda material. His father was a four-star admiral. In medieval days, John McCain would have been a captured prince worth an extravagant ransom.

So he was, in the eyes of the North Vietnamese, pure gold for propaganda purposes. He was offered early release. He refused and was tortured, again and again, for his resistance. James Stockdale, who was awarded a Medal of Honor for his own astonishing resistance, later called McCain “solid as a rock.”

McCain was what the POWs would call a “good resister,” a role that seemed to fit him when he returned to civilian life and one he may have been born to play.

Fortune and fate are, as the poets have always known, improbable things, and sometimes wonderfully so. It is hard to imagine that McCain would have ever been a political figure

and, indeed, become a candidate for president had he not been shot down that day. He was an aviator. This was, supremely, his identity.

He would not have been in that plane, on that mission, had he not embraced that identity so tightly. He could have been ashore, in a cushy job. He had one of those, in Saigon, where he was friendly with R. W. “Johnny” Apple of the *New York Times*, who was famous both as a “dogged reporter” and a *bon vivant*. McCain shared with him the second of those two qualities.

McCain was in Saigon only because the carrier from which he had flown five combat missions, the USS *Forrestal*, had been crippled and forced to return to the yards for extensive repairs. The ship had been damaged by a series of flight deck explosions that began when stray voltage launched a “Zuni” rocket that was shackled to a plane waiting for takeoff. The rocket hit the external fuel tank on another plane and started fires on the flight deck. McCain was in the cockpit of a nearby plane, preparing to fly the strike against North Vietnam that day.

Some nine bombs exploded in the fires that followed. One hundred thirty-four men were killed and 161 injured. McCain survived with minor injuries, and went to Saigon.

He requested a transfer back to flight duty—this time on the USS *Oriskany* as a member of a squadron designated VA 163 and known as the “Saints.” It was commanded by Bryan Compton, legendary among his peers for both competence and aggressiveness.

The *Oriskany* was an old carrier of World War II vintage. It had been modernized but was still an old ship and had been through an ordeal much like the one suffered by the *Forrestal*. That had been the year before, and the fires had killed 44 men, many of them aviators.

Now, in 1967, the *Oriskany* was back on Yankee Station, launching strikes daily against North Vietnam as part of Operation Rolling Thunder. In a deployment that would last about four months, the ship lost half of its airplanes and a third of its pilots—20 killed or missing in action and 7 who were

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McCain campaigns for reelection at a Coca Cola bottling plant in Tempe, Arizona, August 23.

captured and became prisoners of war, among them John McCain.

He came home with the others, intending to resume his career in the Navy. As part of the plan, he wanted to fly again. But this seemed unlikely, if not impossible, given his injuries. And even if he could pass a flight physical, he had not been in a cockpit for more than five years.

Still, he went through a long and demanding rehab. It was successful, and, before he retired from the Navy in 1981, he was both flying again and in command of his own squadron.

The rest, as they say, is history.

His political career began with a successful run for the House in 1982 and the Senate four years later. He survived a scandal that had him included among the Keating Five (senators who had intervened in the investigation of a troubled savings and loan association). McCain confessed his sins, more or less, and threw himself on the mercy of the voters. They forgave his having become too close to Charles Keating, who spread his campaign contributions around lavishly and wasn't shy about asking for favors from those he had helped. Including McCain. The experience made McCain a fierce advocate of campaign finance reform.

The campaign to keep his Senate seat this year, his fifth such reelection race, will probably be his last. One

McCain is expected to win the election that falls 12 days after the anniversary of his shoot-down. Donald Trump, who declined to recognize McCain as a war hero because he was 'captured,' will probably lose, and his disparagement of McCain may have contributed to his loss.

wants to say "certainly," but he looks no less fit at 80 than he did at 60. The abuse inflicted on him during those years of captivity make it difficult for him to raise his arms, among other things, but otherwise, he seems in robust health.

And feisty as ever. McCain has a famously volatile temper. Senate colleagues called him "Yosemite Sam" for his angry, intemperate outbursts, and one of those colleagues, Connie Mack III, had T-shirts printed up with McCain's face imposed on the body of the cartoon character.

"In our caucus," Mack says, "I was sort of deputized to be the one to talk John down off the ledge when he went off."

But Mack, whose temperament is as serene as McCain's is volcanic, says,

"John McCain is a great friend. I love him dearly and I admire him enormously." Not all his Senate colleagues, past or present, Republican or Democrat, feel the same way.

But evidently, the voters in Arizona still like him. McCain is expected to win the election that falls 12 days after the anniversary of his shoot-down. Donald Trump, who declined to recognize McCain as a war hero because he was "captured," will probably lose his race to be president, and his disparagement of McCain may have contributed to his loss. Among some people that was a deal breaker. And one does wonder where, exactly, Trump was and what he was doing on October 26, 1967. He was not, certainly, flying an A-4 off the *Oriskany*.

With a Democrat in the White House, McCain may or may not be a member of the minority party in the Senate. Either way, he and his party will be playing defense. It seems almost certain that a President Clinton will, at some point, be sending the names of people she intends to appoint to the Supreme Court to the Senate for approval. Certain, also, that there will be fights—perhaps even epic fights—over these nominations.

Republican senators may find themselves in the same place that Democratic senators found themselves when Ronald Reagan nominated Judge Robert Bork. That is, unable to reject the nominee as unqualified on the merits but with confirmation unthinkable on the politics. If they fight, they will need to be prepared for punishment. But McCain doesn't sound especially frightened by that prospect. He seems, almost and typically, to relish it.

"I promise you that we will be united against any Supreme Court nominee that Hillary Clinton—if she were president—would put up," he said recently in a radio interview.

When such a fight comes, it won't be prosecuted by Donald Trump, who will, almost certainly, be off somewhere, sulking. John McCain, on the other hand, will be in there and still fighting. As he proved after he was shot down almost a half-century ago, he is, above all, a "good resister." ♦

NEWS.COM

The Opioid Crisis

An unprecedented and accelerating death toll

BY DAVID W. MURRAY,
BRIAN BLAKE & JOHN P. WALTERS

An investigative article in the Sunday, October 23, *Washington Post* detailed the Obama Justice Department's actions to hamper the Drug Enforcement Administration's aggressive efforts to stop the deadly diversion of pain medications. The article draws on testimony from multiple sources indicating that political and lobbying pressure sought to inhibit effective enforcement operations to shut down deadly "pill mills" and distribution networks. Dedicated, senior enforcement personnel—whom we have worked with—were pushed aside and into retirement. All this at a time when diverted opioid medications were known to be a key cause of overdose deaths. This scandal is only part of the story of the Obama opioid epidemic—and it is not the worst of it.

In 2014, the most recent year for which we have measurements, 47,055 Americans died from drug-induced deaths, with almost 29,000 dying from opioids, whether heroin, illicit synthetics, diverted or misused prescriptions, or some combination of these. The daily reports of overdoses have reached such a magnitude—including an eight-year, 400 percent increase in heroin deaths—that the human toll in communities across our nation is impossible to ignore.

The tales and images of the crisis in afflicted communities across America are bursting through the media clutter. A few have reached national prominence, such

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as the 7-year-old girl who told her bus driver on the way home from school that she hadn't been able to wake her parents—who had died in a double overdose—for the previous two days; or the photo of two unconscious grandparents in the front of a car, with a helpless, crying child strapped into his car seat behind them; or the tragic video of a mother passed out in the aisle of a Family Dollar store in Massachusetts, with her traumatized toddler in footie pajamas trying to wake her up.

Aside from these dramatic stories and images amplified nationally by social media, the public policy and public health messages regarding opioid abuse have conspicuously not been either urgent, imperative, or forthcoming. In countering the opioid crisis, the public health apparatus has neglected the full set of effective epidemiological tools and has failed to mobilize an effective response.

DRUG DEATHS AS A PUBLIC HEALTH EMERGENCY

The 47,055 drug-induced deaths in 2014 were the leading cause of accidental death in America, surpassing both motor vehicle accidents (33,636) and firearm deaths (33,599, of which 10,945 were homicides).

The Centers for Disease Control deaths and mortality report for that year shows 2,626,418 total mortalities in the United States, with heart disease and cancer, both at approximately 600,000, leading the way. Within this tabulation, drug-induced deaths would stand ninth amongst "leading causes," just below influenza/pneumonia (55,227) and kidney disease (48,146), and just above suicide (42,773).

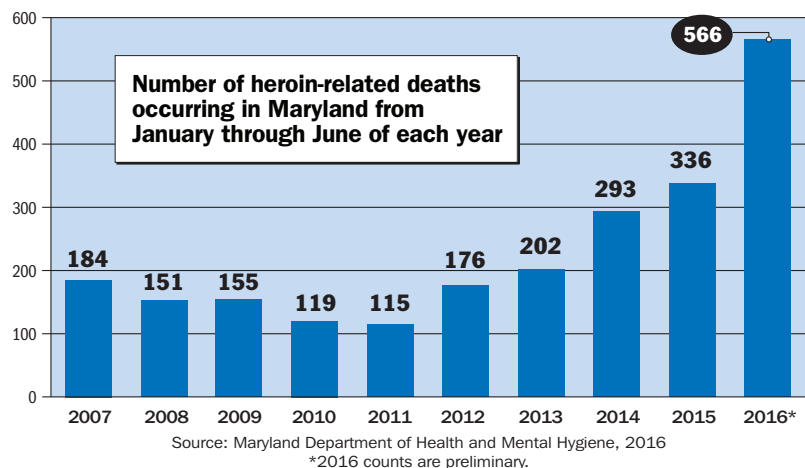
While all opioid overdose deaths for 2014 totaled nearly 29,000, heroin deaths contributed at least 10,500 to that total, almost exactly the same as the toll from gun murders. And while the number of drug overdoses is increasing, overdose deaths caused by diverted prescription opioids—the illegal activity the *Post's* investigative piece highlights—have been overtaken in raw numbers



A police photo from East Liverpool, Ohio, showing a young child sitting behind his grandmother, left, and her boyfriend, both of whom are unconscious from drug overdoses, September 7, 2016

EAST LIVERPOOL (OHIO) POLICE DEPARTMENT

by deaths from heroin and illicit synthetic opioids like fentanyl. All signs indicate that it is the supply of these illicit opioids that has accelerated most steeply since 2010 and that has driven deaths sharply higher in the months since the last reported mortality data from 2014.



Our concern should be heightened by the fact that there are no real-time national mortality data. We are still viewing the crisis as it looked almost two years ago, with only partial information since then from a few states, law enforcement reports, and frightening local news stories. These suggest America faces an emerging set of hyper-potent synthetic opioids from illicit, rogue chemists that are dramatically increasing addiction and death.

Between 2013 and 2014, the CDC reports that deaths attributed to prescription opioid misuse rose 9 percent, while heroin deaths rose 26 percent, and deaths from the emerging threat of synthetic opioids such as fentanyl shot up 80 percent. The CDC will not have 2015 drug mortality data available until December of this year, but regional reports in the Northeast are already coming in, showing that these trends have accelerated since the 2014 reports. If these preliminary reports are any indication, the national measurements for 2015 and 2016 are all but certain to eclipse the nearly 50,000 deaths recorded in 2014.

The surge in illicit synthetic opioids driving these deaths is being fed by suppliers primarily in Mexico and China. The deadly poisons are produced in illicit labs in those countries and then smuggled or shipped in small but extremely potent quantities through the postal service and via other established smuggling routes. The threat to users, to first responders, and to communities across America is unprecedented. The numbers bear it out:

In Maryland, comparing the first six months of 2015 to the same period in 2016, prescription opioid overdose deaths increased 10 percent, heroin deaths climbed 68 percent, and deaths from fentanyl shot up a remarkable 268 percent.

As released in August 2016, opioid overdose deaths in

Massachusetts have risen 200 percent since 2010 and in the single year 2014-2015 shot up 23 percent, to their highest rate ever.

New Hampshire reports an increase of 157 percent in overall drug deaths between 2013 and a projected 2016 total, with the vast majority being caused by heroin, fentanyl, or a combination of the two drugs.

New York City notes the fifth consecutive year of overall death rate increases, up 66 percent from 2010 to 2015, while heroin death rates rose 158 percent over that time.

When national data for 2015 and 2016 finally become visible, we may confront a death toll that seems unimaginable to us now. This increase will occur even as countless lives have been narrowly saved by a huge deployment of antidote drugs like naloxone, one of the few major initiatives from federal officials. But these life-

saving drugs are often used time and again on the same opioid abusers, who never get the long-term treatment they need to break the cycle of addiction. Their Russian roulette lifestyle of continued drug use often, tragically, catches up with them.

MORE HIGH-POTENCY OPIOIDS, MORE DEATHS

The CDC operates, in addition to their *Morbidity and Mortality Weekly Reports*, several alert systems for topics ranging from the threat of food-borne risks to travel advisories, including a system known as the Health Alert Network (HAN) that sends alerts to public health communities. Through such systems we can learn about everything from the threat of salmonella from small turtles on up to the ramifications of the Zika virus.

There is a useful lesson in the Zika alerts. The actual U.S. death toll from Zika thankfully remains minimal. But common to the public health responses are efforts that go beyond simple warnings to communities. Authorities also move to control mosquito populations (spraying them) and to eliminate the environmental conditions that foster them (standing water, for instance). They further warn the public to change their behavior in response to the crisis (encouraging the use of mosquito repellent).

What we see, viewed epidemiologically, are efforts to control the sources of the disease and the conditions that contribute to its spread; that is, public health experts seek to limit the pathogens of disease as well as the vectors by which the disease spreads.

Through this lens, our failures to meet the opioid crisis can be seen in sharper perspective. We are not

CHARTS: THE WEEKLY STANDARD

taking seriously the realization that opioid abuse is a public health threat that calls for similar sorts of epidemiological actions. We need urgent alerts and, beyond those, directed responses to constrain or eliminate the sources and supplies of the deadly drugs, as well as efforts at interrupting the vectors of transmission—namely, traffickers and other users.

To its credit, the CDC has issued a recent “health update” regarding fentanyl-laced counterfeit pills, a significant contributor to fentanyl-related fatalities. The counterfeit pills are especially cruel and lethal. They are sold as labeled versions of diverted prescription pills, such as Oxycontin or Xanax, but contain unmarked and unknown quantities of fentanyl and chemical analogues, inexpertly cut and mixed. This fact is crucial, as fentanyl doses are measured in millionths of a gram, and as little as 2 milligrams can be lethal. A single kilogram of pure fentanyl contains a potential 500,000 lethal doses; a fraction of a grain too much can be fatal.

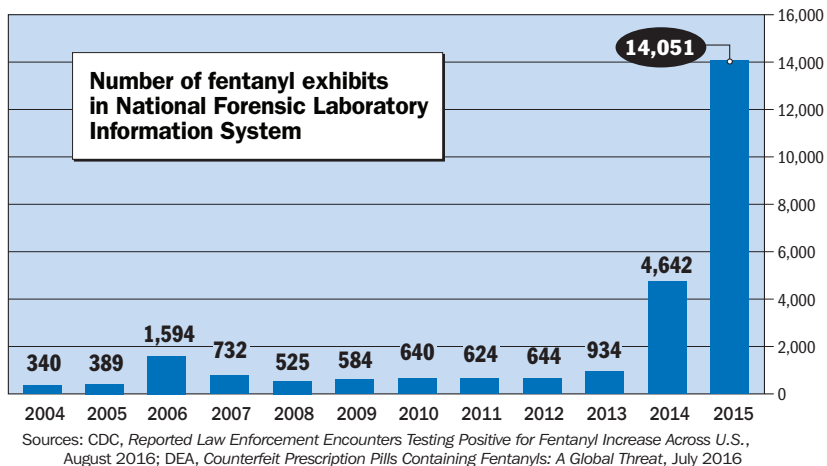
The Russian roulette analogy is apt. While one pill may provide an opioid high, because the badly mixed doses of fentanyl are measured in such minute quantities, the next pill may contain a lethal overdose. Increasingly, the deaths transpire despite the administration of a naloxone antidote, which too often is insufficient to counteract fentanyl potency.

The CDC’s alert goes on to mention further “extremely toxic” analogues such as carfentanil, implicated in several recent tragic overdose outbreaks when mixed with injected heroin. Meanwhile, the Drug Enforcement Administration (DEA) issued a nationwide report in July indicating that “hundreds of thousands of counterfeit pills, many containing deadly amounts of fentanyl . . . have made their way into the U.S. drug market.” In fact, in 2014 and 2015, the number of drug submissions going to DEA forensics labs from illicit manufacture increased from 4,642 to 14,051. Meanwhile the amount of fentanyl seized has doubled in the past two years. Between October 2014 and September 2015, 168 kilos were seized; through June 2016, the seized amount has risen to 364 kilograms.

The DEA calls this drug threat “unprecedented,” and the DEA administrator has termed carfentanil “crazy dangerous.”

What responses, then, does the CDC alert call for? Simply put, they are inadequate. They recommend that we “improve detection” and “prioritize and expedite” laboratory testing, while tracking demographic trends and risk factors among decedents.

When it comes to law enforcement, the recommendations also fall short; specific instructions are to “use extreme caution” when handling suspected fentanyl and to “carry a supply of naloxone”—officers are even told to have “multiple dosages of naloxone” because of the potency of fentanyl.



These are reasonable steps, yet nowhere in these various alerts is there a call for urgently stopping the supply of the illicit heroin or fentanyl analogues, or for taking down the trafficking networks that are killing people with extreme indifference—by the tens of thousands. Moreover, there has been no urgent national warning to drug users and their families and friends that the illegal opioid supply has become highly lethal, that it is now critically important to get treatment and help loved ones to stop using these deadly substances.

With no other deadly disease—whether it be exotic pathogens like Ebola or Zika or a common killer like influenza—does the CDC, while warning the public, fail to also stress strategies to limit the transmission of the disease. Yet in the federal response to the opioid crisis, where the drugs themselves are the pathogens and the drug markets the vectors of transmission, this proven approach is lacking. The public and government officials are given advice on how to treat those who have died, but no direction on how to curtail the outbreak and prevent its spread to future victims. The current response is not just weak, it is a path of deadly failure.

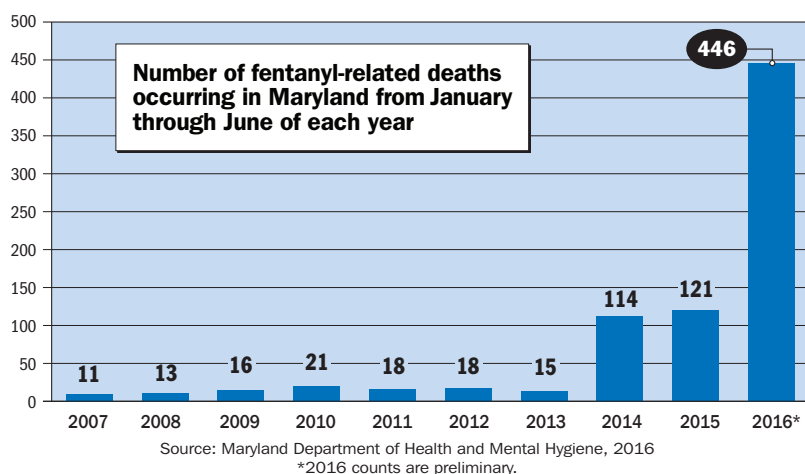
The CDC leadership could at least pass along the guidance from their own physicians, such as those reviewing the trajectory of opioid overdose deaths between 2000 and 2014: “There is a need,” as they seemed to signal their own leadership, “to reduce the supply of illicit opioids, particularly heroin and illicit fentanyl.”

A serious public health strategy would take appropriate lessons from efforts to control infectious diseases—the steps are to alert, test, track, and reduce the supply and the transmission-vectors of the lethal outbreak.

To address what needs to be done, however, would require the Obama administration to recognize that their policies are failing to curtail the escalating crisis. They would, as well, have to reassess their own political priorities on international relations, the border, and the necessity of drug enforcement.

DRUG POLITICS AND THE IMPACT OF STIGMA

A contributing factor in the opioid death toll is often deemed to be the “stigma” associated with illicit drug use. That is, if society did not make addicts feel so ashamed of their habit, they would be more open to seeking help for their deadly affliction, possibly saving their lives. There is clearly some truth to this, as drug addiction usually occurs in secret, hidden foremost from the loved ones who would be most eager to get the user the help he or she needs.



Yet there is another type of “stigma” afflicting drug users—that their crisis is somehow undeserving of the full resources necessary for their rescue. Drug overdose deaths represent, after all, a preventable loss of life. But rather than urgent interventions to stop the spread of the drugs that are increasingly poisoning the populace, Americans confronted with the opioid crisis have become conditioned to passively submit to what is happening.

Despite the dystopian images on social media, we risk settling into a kind of national numbness to the sight of dead adults and neglected children. Indifference risks becoming the norm, while the administration appears paralyzed by their own self-induced fear of changing policies.

When Hurricane Matthew recently headed up our eastern coastline, the televised alerts and messages to endangered residents were stark and imperative. “Get out!” declared more than one governor, with Florida’s Rick Scott bluntly warning that “this storm will kill you.” As we face an unprecedented drug threat, killing tens of thousands,

where are the similarly blunt public health warnings?

Where are the surgeon general and secretary of health and human services, for instance? You might expect to see them regularly on television dramatically urging illicit drug users to get into treatment, but no. Where is the White House? The full power of the bully pulpit could be deployed to tell Americans that these drugs “will kill you” and your loved ones unless they get help, but no. Where are the frequent, urgent appeals to families and neighbors and workplace or community members to intercede and get addicts the help they desperately need with their lives at risk?

And even more striking, where is the urgent directive to law enforcement, criminal justice, and public safety institutions of all forms, to interrupt and take down the criminal traffickers and those who smuggle drugs across the borders or even ship the drugs or their chemical precursors from China, unchecked through the Postal Service?

Instead, we witness the vivid contradiction of a White House that touts its policy of releasing convicted drug traffickers through pardons, commutations, and clemency at the very moment that an overdose plague is rampaging, returning experienced traffickers and dealers to communities already on the brink.

Indeed, drug policy appears to be gripped by a state of deadly denial at the highest levels, lest we recognize that we may have to use the resources of criminal justice and national security to dig out of this crisis.

The death toll will continue to rise until we acknowledge that more dollars poured into an ineffective and broken treatment system cannot change the fundamental dynamic of more and more deaths. When 95 percent of those in need of drug treatment are not seeking it, and when the available billions in public treatment dollars are spent haphazardly across states without provisions for targeting actual and acute need, drug policies will at best continue to address only the consequences of the disease, with antidote revivals and drug-substitution treatment that only serve to defer or cope with, but do not resolve, the continuing crisis.

In March, the president spoke about the crisis as if he were a distant observer, calling the overdose deaths “heartbreaking” and adding: “I think the public doesn’t fully appreciate yet the scope of the problem.”

But if any one person has the power to change that reality, it is President Obama himself, by bringing the full weight and power of the executive branch to bear, even in his final months in office.

Muslims in America

We underestimate the ability of our civilization to transform them

BY REUEL MARC GERECHT

One of the most striking features of the British cemetery at Gallipoli is the attention given to honoring the diversity of the dead. Final farewells from loved ones carved upon stone plaques line the footpaths up the hillsides where the Ottomans rained down machine-gun and artillery fire. Fallen Muslim soldiers, children of the Raj, lie side by side with Christians who died for king and country. Arabic and Persian inscriptions often immortalize the grief and love of the Muslim families; Persian was the court language of the Moguls and the Indian Civil Service.

There is a long history of Muslims fighting for the British and the French against other Muslims. The Algerian wars—the rebellion against France and the following purge of Franco-Algerians—were so awful (perhaps the bloodiest internecine strife in the Middle East before the Syrian dictator Bashar al-Assad’s war against Syrian Sunnis) because so many Algerians allied with France against the rebels-cum-liberators. Albert Camus’s plea in his *Chroniques algériennes* is heartrending because he urged France to embrace all the Muslims of Algeria as her children or risk a civil war that could poison Muslim-non-Muslim relations far beyond North Africa.

It’s good to recall how intimate and complicated modern Muslim-Western interactions have been, given the widespread sentiments among American conservatives that something ought to be done to better screen, diminish, or even end the immigration of Muslims into the United States.

This unease with Muslims surely isn’t just counterterrorist anxiety. The massive refugee influx into Europe, which has skyrocketed in the last year because of the Syrian war and the door opened by German chancellor

Angela Merkel, spooked the American right, which has become since the early 1990s increasingly hostile to immigration. Although the United States isn’t a Christian country, its still-dominant traditions are a Catholic-Protestant amalgam. Faithful Christians make up a big slice of the electorate. The Western Christian identity was in part forged through its profound struggle against Muslim power. Even for the ahistorical, history matters.

And anti-Western and anti-Christian sentiments are widespread among Muslims: It’s often difficult even for

highly secularized and integrated European Muslims to embrace fully their Western identities because of this lingering collision. As the historian Bernard Lewis spent a lifetime pointing out, Christian-Muslim animosity has often been so strong precisely because their religious cosmology is so close. The Muslim and Christian conceptions of good and evil aren’t interchangeable but they are mutually comprehensible. Islam negates the divinity of Jesus and much of his teachings but recognizes him as a

Muslim prophet, a forerunner to Muhammad.

The recurring violent controversies that arise from humorous and mocking depictions of the prophet Muhammad show that many Muslims in the West brought with them the ethics of their ancestral lands. The Danish newspaper *Jyllands-Posten*’s cartoon of the prophet as terrorist also revealed how many Westerners are inclined to treat Muslims differently—more timidly—than they would treat Christians or Jews who might be aghast at the comedic harshness not infrequently aimed at their faiths. The brilliant Iranian-American comedian Maz Jobrani is able to use biting Muslim and ethnic stereotypes, but American humorists wouldn’t dare do to Islam what Monty Python did to Christianity and Jesus. (The HBO political satirist Bill Maher is the exception that proves the rule.) Secularism, an abiding concern for religious tolerance, and political correctness make the public expression of the omnipresent, organic tension between Islam and



Headstone at Gallipoli for a ‘Musliman’ soldier of the British Empire

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Christianity socially unacceptable in the United States and Europe, at least among secularized Christian elites.

This existential unease may be even more acute between Muslims and Jews. The Islamic world is rife with antisemitism that seamlessly combines an old Islamic distrust of the Jews, who'd rejected the prophet Muhammad in Arabia, with modern European Jew-hatred. Anti-Zionism has become almost a tenet of the Muslim faith and its declaration often (barely) camouflages antisemitism. As Muslim populations have risen in Europe, so has antisemitism. Not long ago the antisemitic comedian Dieudonné M'bala M'bala would have been irretrievably ostracized in France and Belgium. Today he has become a cult hero among many on the left, by no means all of them Muslim. Affluent Parisian Jews are buying second homes in Tel Aviv and among themselves mordantly discuss how their secularized Catholic compatriots have failed to stop resurgent Jew-hatred. Jewish Americans understandably worry that such antisemitism could rise in the United States.

It's a good guess that many on the American left, too, wouldn't be that upset to see Muslim immigration stay low, way below the levels that we see in Europe. Politically correct left-wingers tend to be better behaved when discussing third-worlders whom they esteem from a distance. Fear of Islamophobia is powerful even among Washington Democrats who really don't like the fundamentalist-friendly, Congress-lobbying Council on American-Islamic Relations and don't hesitate to speculate in private on the violent distemper within Islam. Yet Donald Trump's Muslim-suspicious histrionics and his exuberant love of maladroitness, both on display in his remarks about the parents of the fallen American soldier Captain Humayun Khan, have made all conservatives who question Muslim immigration look like troglodytes.

The perverse fascination that the American right-wing blogosphere and even more respectable media, including Fox News, have had with Huma Abedin, the Muslim assistant/confidante to Hillary Clinton, shows that many conservatives have become unhinged. That so many could believe that Abedin, who married a prominent Jewish-American politician, had a child by him, and stayed in the marriage even after it became obvious that Anthony Weiner was a deeply troubled exhibitionist, could be a mole for sinister Islamic forces shows how criminally stupid a significant slice of the American right has become. (The *sharia*, the Muslim holy law, expressly forbids, on punishment of death, Muslim women marrying non-Muslim men.) Abedin ought to be seen as a Muslim-American success story. She is obviously a woman of heart and fortitude. She is a poster child for Islamic fundamentalists who incessantly warn against the ethical hazards that come with Westernization.

But do *any* of the conservative complaints about

Muslims immigrating to America have sufficient justification to warrant a protracted debate that could put a ceiling on the numbers of Muslims welcomed into the United States? Even though Mr. Trump may be irremediably distasteful and destined for defeat in November, should we take his security concerns seriously? Others on the right who have been more thoughtful on national security more or less echo his views. Is Washington doing something wrong now that needs to be urgently improved? President Obama's overall counterterrorist strategy may be failing (using drones, airstrikes, special forces, and local surrogates against an ever-increasing number of terrorist safe-havens) while his administration's domestic defenses might remain sound.

VETTING MUSLIMS

As his debates with Hillary Clinton and Republicans revealed, Trump is strongly attached to the idea of the "extreme vetting" of Muslims. Many Republican members of Congress and conservative writers of some standing appear sympathetic; public opinion polls consistently show Republicans deeply unsettled by Muslim refugees coming to the United States. And although Democrats generally appear hostile to the idea of excluding Muslims from entry, it's not hard to imagine a Nice-like terrorist attack changing the disposition of congressional Democrats about enhanced standards for them. Such vetting would likely curtail admission for many, if not most, Muslims from the Middle East, the Caucasus, and Central and South Asia. It's unclear whether such screening would have separate standards for Muslims from Western Europe, where Islamic terrorism has been on the rise since the early 1990s. Given how dangerous European jihadists are since they can, in most cases, travel visa-less to the United States, supporters of enhanced vetting would have to implement new procedures to find and separate Muslim Europeans from their non-Muslim compatriots. How Washington would do this, beyond just using Islamic names, isn't clear. (Christian Middle Easterners could get snared in this process since their names can appear Islamic.) European converts to Islam—and there is a long history of European converts going rogue—would go undetected if they continued to use their original names on their passports. In France, for example, which runs neck-and-neck with Belgium for producing the most European holy warriors, approximately one-quarter of the jihadists who've struck are converts. Any system vetting European Muslims that didn't involve the end of visa-less travel for all Europeans to the United States—Europeans, once again, would have to submit their applications at American consulates—would require extraordinary assistance

from European intelligence and internal-security services, who would need to separate Muslim and non-Muslim citizens for the Department of Homeland Security. This is, of course, politically impossible for Europeans to do.

Reality: It's not September 10, 2001. During the George W. Bush administration, the newly born Department of Homeland Security and the State Department adopted an intensely bureaucratic approach to assessing refugee, immigrant, and especially tourist visas. Once, consular officers had plenipotentiary authority to issue visas to all foreigners. Today, Homeland Security has the ultimate authority over problematic nationalities.

The difficulties for Muslim Middle Easterners to obtain visas or refugee status have exponentially increased. We shouldn't be fooled by the president's politically correct vocabulary: The Central Intelligence Agency, the Federal Bureau of Investigation, Homeland Security, and even State Department consular officers ruthlessly profile those seeking entry. For al Qaeda or the Islamic State to plan terrorism inside the United States using non-American, non-green-card-holding, and non-European Muslim agents would require enormous luck and patience.

Given the European refugee deluge from Syria, many Americans fear that admitted refugees could be used to establish terrorist cells. An encouraging fact: In America there are a little under 3.5 million Muslims; only an infinitesimal slice has gone jihadist. Many of America's Muslims came from troubled lands, where religious militancy has run deep for decades. What success Islamic terrorists have had using refugee cover in Europe has come through the unfiltered, rapid Middle Eastern exodus that the German chancellor encouraged. Refugee admission to the United States is usually a long and unpleasant process. Its vagaries—not knowing whether one will be admitted and the relentless boredom in inhospitable processing camps—would be tricky for a terrorist outfit trying to target young holy warriors. This is why, so far, there is no known case of such a refugee sleeper cell. It's been long-term residents and citizens, not refugees, who have gone rogue.

Even with good intelligence, discerning the catalysts for anti-American violence among Muslims who aren't already jihadists is extraordinarily difficult. European security services have tied themselves into knots trying to figure out predictive patterns that could be used to preempt militants-turned-holy warriors. One reason

many European security and domestic-intelligence services—especially the French and the British—are so fond of intercept and “shotgun” bugging operations is that this information gives counterterrorist officials a better chance of spotting potential trouble. (Such an approach in the United States would be unacceptable since it would rightly be seen by the courts as fishing expeditions.)

The Europeans all confront the same problem: The percentage of Muslims, even in European states where Islamic radicals have most often gone violent, is so tiny that counterterrorist methods run by even the best officers are much more likely to err than to preempt. The FBI tore the Mafia apart in part because it was easy to spot individuals who were involved and might be turned. (Would anyone today, looking back, want to close the door to Italian Americans because the Mafia was a cottage

industry among Sicilians?) The FBI's penchant to tempt Islamic militants into committing terrorist acts, and thereby sow fear among would-be jihadists, is a reflection of how hard it is to run good intelligence operations against the radical Muslim target.

Loyalty oaths and more detailed screening tests (“*Sharia* is bad; secularism is good”), which many Republicans seem to favor, aren't apt to catch would-be killers, who could just lie; they could snare conservative Muslims who might

become incensed or flummoxed by questions about the holy law, which for even irreligious Muslims can still command respect. I have many completely secularized Muslim European and American friends whose immigrant parents might well have failed such questioning.

Much of the American right seems to believe that jihadists are born from the study of the Koran and the *sharia* or through association with the ardently religious. Reading the Muslim holy book and religious jurisprudence may encourage intolerance in Muslims as it highlights their exclusivity and legal preeminence. Muslim clerics are rarely avatars of interfaith friendship. Fastidious Iranian clerics, consumed with a particularly Shiite idea of purity, can be averse to even touching nonbelievers. Sunni Islamic puritanism springs from a monomaniacal focus on early Islam's pristine clarity, egalitarianism, and fraternity; it downgrades or ignores Islamic civilization's cultural curiosity, ethical adaptation, and imperial diversity as Islam expanded into a global faith.

But holy warriors aren't known for the Muslim

Do any of the conservative complaints about Muslims immigrating to America have sufficient justification to warrant a protracted debate that could put a ceiling on the numbers of Muslims welcomed into the United States?

equivalent of Bible study. Sunni clerics, who immerse themselves in sacred texts, don't blow themselves up; Shiite mullahs haven't committed their bodies and souls to violent struggle since Iraqi artillery chewed them up in the early years of the Iran-Iraq war (1980-1988). The young men, and increasingly young women, who live to die are far more familiar with Western pop culture than they are with the life of the prophet Muhammad and his companions. European recruits to the Islamic State are much more likely to retain a love of rebellious rap music than they are—in the footsteps of the “no-fun-in-Islam” Ayatollah Ruhollah Khomeini—to abstain from the licentious beat of infidels. The Egyptian theorist of modern holy war Sayyid Qutb, the Indo-Pakistani Abul Ala Mawdudi, and Khomeini—to name the big three—all helped to create the intellectual environment that nourishes today's holy warriors. It's an excellent guess, however, that none of the Europeans and Americans who've answered the tocsin call of the Islamic State has any idea what Qutb wrote in his voluminous commentary on the Koran. A few might recognize the title, in English or French, of Qutb's most famous battle cry, *Milestones*. With no or limited Arabic, the more Westernized holy warriors use the other two global languages of Islamic radicalism—English and French. This diet is perforce more subject to Anglophone and Francophone culture.

The lines that connect contemporary jihadism to Islamic tradition are profound but circuitous and convoluted. Modern Islamic fundamentalism has injected anger and hatred into the Muslim body politic; so has Westernization, with its unrivaled power to bulldoze tradition and empower individuals with a sense of destiny. Conversion to jihadism can be a gradual process, involving face-to-face tutelage at a mosque or in prison. A long basting in Salafism and Wahhabism—both loathe modernity—can produce the required catalyst, although the vast majority of Salafis spurn an energetic politicization of the faith, preferring to withdraw from this ugly, Westernized world. And, so far as we know, not a single holy warrior who has struck the United States or Europe was a member of *al-Ikhwan al-Muslimun*, the Muslim Brotherhood, the Egyptian-born Islamist movement that had, since its founding in 1928 to the 1980s, been the mothership of Sunni fundamentalism. (Saudi Arabia's massive Wahhabi missionary effort, which once included considerable support to the Brotherhood, became the primary driver of fundamentalism in the 1980s.)

Much of the American right appears to believe that the Brotherhood remains evil incarnate, hence the widespread approval among Republicans of Egyptian general Abdel Fattah el-Sissi's coup against the democratically elected Muslim Brotherhood president and parliament. If the Brotherhood were so instrumental in the generation

of contemporary jihadism—and there is no denying the organization's historical role in making Islamism, with all its anti-Western, anti-Jewish, and anti-Christian bigotry, mainstream—why haven't members of the Brotherhood been in the frontline of taking the war to the West?

Islamist movements like the Ikhwan are stone-and-mortar outfits attempting to build Islamic societies, one neighborhood at a time. Its stance toward violence, especially by the young unsanctioned by the Brotherhood's hierarchy, has oscillated since the 1970s between ambiguous to profoundly hostile. Its decision to embrace electoral politics in Egypt, as was even more the case with the reclusive Salafis, shows how the idea of democracy convulsed fundamentalists' historic understanding that a good Muslim society would be born through the conversion of the lower classes, the civilian ruling elite, and, most important, the officer corps. As is still the case with the Brotherhood's Tunisian offshoot, Al-Nahda, the faithful are trying to wrestle with deeply unsettling questions about how good Muslims create a moral public square subject to popular sovereignty. The Ikhwan's often diverse views may be vile, and are always illiberal, but in the Middle East today the organization is, or at least was before Sissi's coup, a conservative force trying to construct democratically more religious countries. Intellectually, that's the polar opposite of the jihadism that has drawn Westernized Muslims to wage war against the Occident.

THE HOLY-WARRIOR MATRIX

In Europe and the United States, counterterrorist officials spend little time tracking the followers of established fundamentalist movements, especially the Brotherhood. Above all else, they are trying to figure out how to spot young men and women who have shown no or few signs of accelerating radicalism but then, in a flash, go jihadist. Youth who have been overcome with a fascination for death and destruction, with killing and martyrdom, are much more likely to come from households where religious traditions and paternal authority have weakened and identities are in flux. A case like Major Nidal Malik Hasan, the Fort Hood killer, whose gradual radicalization really should have drawn closer attention from the FBI and military counterintelligence, isn't common. France's internal security services, unquestionably the best counterterrorist forces in Europe, had several Islamic militants under surveillance who later became terrorists. This is true for both jihadists who returned from Syria and “homegrown” terrorists. Without seeing the case files, it's difficult to assess whether the decisions to drop surveillance were reasonable, but it is entirely understandable how officers, who are constrained by finite resources, must pick and choose among militants who *might* go rogue. As a German interior-ministry official

once remarked to me, the vast majority of the hundreds of German Muslims who've returned from Syria have come home for the right reasons: The Islamic State wasn't what they expected; in the rear-view mirror, they realized Germany was their home. This pattern has surely been true for most of the returnees, regardless of their European origins. Internal security and intelligence services, however, can't be 100 percent sure about their personality profiles, hence the need to deploy surveillance assets widely and the need to move those assets to new targets frequently. Good intelligence will sometimes preempt; often, it just won't matter.

Unlike the United States, Europe is having difficulty absorbing its Muslim denizens in great part because the numbers in some countries are so large, European culture is so heavy, and Christian themes are so deeply ingrained in society. It has not helped that Western Europe's overtaxed societies have generated little economic growth for decades and are especially stingy in producing low-skilled jobs, where poorly educated immigrants can start to work their way up. The religious radicalization of Muslim criminals in Europe, either in prison or in street gangs, is also a serious problem.

Homegrown Islamic terrorism surely springs forth, to an extent, from these troubles, but it is up in the air how much emphasis to give to these factors. The external factors, especially the rise of a charismatic, militarily successful Islamic movement that has explicitly created a modern version of early Islam's conquest society, have been significant in inspiring a few thousand Westernized Muslims to dream of self-sacrifice and holy war. The Islamic State, and the ongoing war between Shiites and aggrieved Sunnis, has captured the imagination of Westernized Sunni Muslims much more effectively than al Qaeda, with its overriding anti-Americanism, has so far done.

We have no idea now how many of the West's Muslims who have gone to fight in Syria actually want to become anti-Western holy warriors. If the experience of the Soviet-Afghan war (1979-1989) and the second Iraq war (2003-2011) offers lessons, the number who volunteer to fight in a hot war against infidels is exponentially greater than those who transition into a terrorist war against the West.

Syria may be different. The Sunni rebellion against the Shiite Alawite dictatorship in Syria has obviously echoed among Sunni Muslims in the West more powerfully than any previous affront to Sunni pride. The carnage has been unparalleled. Nonradical Sunni Muslims, especially Arab Sunni Muslims, might seek to fight the Assad regime and its allies in the same way that American and European leftists went to fight alongside deplorable Communists against Francisco Franco and his fascist allies.

It has become a common view among Arab Sunnis that the United States and Europe have aligned themselves with Iran and its Iraqi and Syrian Shiite allies. (Given the Iranian nuclear deal, Barack Obama's retreat from his chemical-weapons red line in 2013, and Secretary of State John Kerry's Syrian diplomacy, that view isn't without foundation.) The pro-Shiite American conspiracy theories, which now drive so many Sunni Muslim conversations, depict the United States as an eager enabler of Iranian imperialism.

This toxic brew, which is destined to get worse if Assad pushes beyond Aleppo deeper into Sunni territory, could continue to galvanize Sunni Muslims in Europe and the United States even if the Islamic State's Syrian capital Raqqa and its Iraqi stronghold in Mosul fall. The Islamic State could implode, collapsing into an organization

like al Qaeda, a more tight-knit group whose preeminent aspiration is to kill Americans. Some of its fractured parts could even rejoin al Qaeda. Chastened and chased, its Iraqi core could refocus its effort to rally Iraqi Sunnis to hold fast against the Iraqi Shiite-Iranian-American assault. A *guerre à outrance* between Sunnis and Shiites is the likely future in Syria, barring Western intervention. Continuing sectarian war in Iraq is a certainty if Iran maintains its Iraqi militias. Revolutionary ecumenicalism, which used to be the guiding faith of Iran's ruling clergy, has evolved into cold-blooded sectarianism, which has so far successfully exploited the 50-50 population split between Sunnis and Shiites in the Near East. Could the Islamic State collapse, the Sunni-Shiite struggle intensify, and the jihad among Western Muslims against the United States and Europe relent? Possibly. But when Sunni-Shiite antagonism superheats, virulently anti-Western propaganda on both sides



A Trump supporter in Cleveland during the Republican National Convention, July 18, 2016

rises. The odds are decent that the collapse of the Islamic State—the fall of Raqqa and Mosul, and the death of Abu Bakr al-Baghdadi, the new “caliph”—won’t cripple the appeal of anti-Western terrorism among militants who live to kill. The death of Osama bin Laden has had no lasting effect on al Qaeda’s efforts to rebuild its forces in Afghanistan and Pakistan and form alliances with radical groups throughout the Greater Middle East.

With this in mind, an Islamic State-Soviet parallel may not work. When the Soviet Union lost its appeal, when the Soviets themselves started to have serious doubts, leftist-inspired terrorism in Europe ran out of gas. The USSR’s collapse was the last shovel of earth on violent socialism in the West. *Mutatis mutandis*: The radical Sunni Islamic war against the West has no homeland (the radical Shiite struggle against the West does: Iran). Destroying the Islamic State, the reified dream of a reborn conquering *umma*, is certainly an unalloyed good, but it may not offer deliverance.

We do know that violent radicalism among Europe’s disenchanted young has a long history. In Europe are today’s Muslim disenchanted—those willing to kill and die—more numerous than the hard-left, violent European youth of yesteryear? Muslim families, with their hitherto resilient patriarchal structure, have weakened in Europe. They have weakened in the Middle East, if not collapsed in lands destroyed by decades of pulverizing authoritarian rule, rebellion, and war. Young Muslim men now act in ways that would have been unthinkable—unspeakable—for their grandfathers. In Europe this volatility has been made worse by Merkel’s decision to allow in more than a million refugees without regard to gender: Many more young men have come to Europe than women. Integrating young men shorn from families and culturally adrift, men who will find it difficult to find European women willing to become their partners, will prove challenging. A new wave of mail-order wives from the Middle East seems unavoidable. Creating stable family structures for the new immigrants, especially in a Europe where marriage is declining, may prove daunting.

Given Europe’s manifest problems, Europeans rarely highlight their successes. Yet nearly one-third of the victims at the massacre on Nice’s beaches were Muslim. We don’t know how they felt about France or Bastille Day, but it’s a good bet that they partook of the holiday with some happiness and fraternity with their non-Muslim compatriots. Ten percent of France’s armed forces are Muslim; Muslim officers in the country’s internal security services, whom non-Muslim officers often describe as crucial against the Islamic terrorist target, are common. The Western European political and business elites rarely have Muslims among them; however, working-class and

middle-class Muslims and non-Muslims do intermarry, especially in France, which is the most important laboratory in Europe for Muslim integration. Surely one of the reasons that the incidence of anti-Muslim violence in France has been low is because most Frenchmen aren’t really scared of Muslims.

The presence of Muslim women wearing head-to-ankle spandex on French beaches—the “burkini” controversy that so roiled Frenchmen who see their national identity intertwined with a lightly clad femininity—is unquestionably a sign that Western aspirations have penetrated into traditional Muslim families where women once did not swim, let alone swim amongst male nonbelievers. As with the critics of Abedin in the United States, the anti-Muslim crowd in France can’t see victory before them. And it’s an excellent bet that many more French Muslim girls opt for bikinis each year than choose the burkini. Islamic terrorism and a widespread anxiety about declining national identity, in great part brought on by the European Union’s homogenizing zeal, often prevents Europeans from seeing how magnetic their cultures remain to Muslim immigrants. A possible Muslim failure in Europe—the dream of Muslim fundamentalists like Yusuf al-Qaradawi, the popular Muslim Brotherhood preacher, who happily envision the failure of integration and the growth of militant religion among the faithful in the West—would be probably more a failure of European imagination and patience than a failure of European culture or a victory of a steadfast, indigestible Islamic identity.

MUSLIM AMERICANIZATION

Americans, who seldom know Europe well, are much more likely to see the dark side of the Muslim experience in the Old World. It’s a decent guess that Trump has never had protracted contact with Muslim Americans. Ditto probably for most right-wing Republicans who so fear Muslim refugees. Roughly a quarter of America’s Muslims are black Americans whose immediate ancestors were native-born Christians. They have proven nearly impervious to jihadism. Assessing the character of their faith is difficult because “Black Islam” began as a highly heterodox, antiwhite movement and has become more orthodox and less racist as it has aged. Given how bigoted and conspiratorial Black Islam has been, how easily some of its members have thought the worst of America, one might have thought that they would have been on the cutting edge of the holy war against the United States.

And in that surprise we should take hope. The upside of Americanization has held its own against Islamic militancy, the rare toxic combination of factors that turn nonjihadist radicals into killers. There are good reasons to believe

that Americanization will eventually extinguish the potential for domestic jihadism. In Europe we are waiting to see whether bloody Islamic extremism can jump from the second to third generation—perhaps the biggest familial-cum-national hurdle in maintaining radicalism. If it doesn't, then Europe's absorption problems and unnerving domestic Islamic terrorism have an end in sight, as the French scholar Olivier Roy writes in his just-published book *Le Djihad et la mort*, even if a new wave of immigration resets the clock. And we don't know whether the most recent wave of refugees, and their children, will prove less, more, or similarly susceptible to Islamic militancy. Europe's absorptive capacity may actually be as great as Merkel thinks it is. If jihadism jumps from the second to third generation, even after the Islamic State's geographic and theological pretensions have been felled, then we can downgrade the influence of external factors on the generation of Western holy warriors.

There are certainly disturbing elements in the Muslim-American experience. Many American mosques have Saudi funds flowing into them, and that is never good. But the milieus created by these mosques usually don't radiate the infidel hostility that one finds frequently around their Western European counterparts. Although one can find Muslim communities in the United States that have self-ghettoized, it's trivial compared with what one sees in Europe (and in Canada). My son's first and most beloved nanny isn't probably atypical for devout Muslims who enter America's cultural blender. Born in the Philippines, after years in Saudi Arabia, she eventually made her way to America and evolved. Married to a working-class Republican, she had no qualms and abundant, affectionate curiosity about caring for a Jewish-American family.

One of the lasting side-effects of Trump's obnoxious campaign is that he has likely guaranteed Muslim Americans and Muslim immigrants, when they become citizens, will vote Democratic. The familial and personal ethics of faithful Muslims, similar to the mores of orthodox Christians and Jews, don't incline them to vote for a political party that champions gay marriage, transgenderism, and other expressions of sexual liberation. Anti-Muslim sentiment, perhaps more so than even anti-Hispanic anger, is the canary-in-the-coal-mine of conservative American

self-confidence. It's an important part of the Small America mentality that will mean the electoral irrelevance of the Republican party if it persists.

The United States could absorb hundreds of thousands, perhaps millions, of Muslim immigrants and refugees, without challenging the country's ability to homogenize even the most refractory, *sharia*-loving newcomers. Would it increase the chance of Islamic terrorism? Yes. More Muslims in the United States mean more possible targets for recruiters, more chances for a radicalized Muslim to go rogue. America, unlike many European countries that made their choice decades ago by allowing large-scale Muslim immigration, can still choose to turn off the spigot by making family reunification more difficult, raising the bar on skills sought (higher education seems to degrade, if not eliminate, the appeal of becoming a suicidal jihadist), and just saying no to refugees. Washington has, of course, been quietly taking a polite variation of this approach since 9/11.

Beyond the unavoidable cruelties involved here, this more stringent approach perpetuates an illusion, however: that the West isn't intimately involved

in the Muslim world's problems, that it can insulate itself behind reinforced borders. Islam and the West *are* in a globe-altering civilizational struggle, which the Muslim world has been losing for over two hundred years. Islamic terrorism has become so savage in part because hundreds of millions of Muslims, faithful Muslims, have adopted so many Western values and habits. The principal enemy, as radical Muslims always warn, is within.

Muslims in the West are on the cutting edge of this tumultuous transformation, as Muslims everywhere come to terms with their identities in a modernity that has shredded accepted norms, fractured families, and often brutalized politics. The millions of Muslims who have and will seek sanctuary in the West are overwhelmingly on our side of the divide—between those who loathe and fear the West's unstoppable individualism and those who are willing to admit, however reluctantly, that infidels have created a better world in which to raise children. These Muslims may not be our friends, but they are not our enemies. They may well be key to a victory over jihadism. We should have the confidence in our civilization that they do. ♦



Muslim sisters wait in line to hear Hillary Clinton speak in Staten Island, April 17, 2016.



Trofim Lysenko (in glasses), Nikita Khrushchev, Anastas Mikoyan (1962)

Love Conquers All

Lysenko's long march through genetics. BY WRAY HERBERT

In 1976, the science historian Loren Graham visited a fox farm in the countryside outside Novosibirsk, in Siberia. He was there to observe the experiments of Russian biologist Dmitri Belyaev, who, since the 1940s, had been selectively breeding Siberian foxes for domestication. Belyaev had reported impressive results in breeding friendly foxes. By selecting and interbreeding the least hostile foxes over many generations, he had created a “domesticated elite” of Siberian foxes—animals who not only lacked hostility toward humans, but sniffed and licked humans, much like dogs. Many had

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Lysenko's Ghost
Epigenetics and Russia
by Loren Graham
Harvard, 224 pp., \$24.95

even changed physically, with wagging tails and floppy ears.

Belyaev's breeding successes were impressive, but conformed to the accepted wisdom of mainstream genetics. Darwin himself had written a book on domestication and Belyaev was convinced that his results reaffirmed the importance of genes, mutation, recombination, and artificial selection—the foundational concepts of modern biology. But Graham observed more than foxes on his visit. He met and chatted with

Belyaev's assistants, the ones in charge of the animals' daily care. One, a kindly woman dressed in the heavy clothing of the region, explained her theory about why the foxes were so friendly:

Because we take such good care of them, and because we love them. We constantly stroke them, supply them the best food, give all of them names, call them individually by these names, and show our affection for them. They respond by returning our love, and that love becomes hereditary.

Love becomes hereditary? Graham might have dismissed these remarks as simply the sappy sentiments of a dedicated caretaker and animal lover; but he did not. As a historian of science with a keen interest in Russian history, he recognized her views as a fair paraphrase

UIG VIA GETTY IMAGES

of the discredited genetic theories of Trofim Lysenko (1898-1976), who had argued, starting in the 1930s and against the prevailing genetic theories of the time, that acquired traits are heritable. Indeed, Graham says: “Lysenko claimed that he could get cows and their progeny to give more milk by caring for them attentively.” The animals’ life experiences, not their genetic pedigree, was what mattered, according to Lysenko—and according to the foxes’ caretaker.

When Graham raised this issue with Belyaev later on, back at his lab, the geneticist laughed it off: Such attitudes make them good caretakers, he said, but their views are harmless and unrelated to any enduring influence of Lysenko.

Dmitri Belyaev had good reason to play down any connection between his own work and the theories of Trofim Lysenko. A poorly educated and dogmatic agronomist, Lysenko was one of the most infamous scientists of the 20th century. He challenged many of the foundational ideas of genetics as they were then understood and accepted in the international scientific community, including the idea that genes were the main carriers of inheritance. Instead, he preached a doctrine that the traits an organism acquires during its lifetime can be passed on to its offspring.

This was a compelling and welcome idea in the Stalinist Soviet Union, in the midst of an agricultural crisis, because it raised the possibility of improving agriculture and livestock production. Indeed, Stalin gave Lysenko’s ideas official imprimatur in 1948, leading to an era of repression for geneticists who did not toe the line. Many were imprisoned in labor camps, and some were executed. Politics trumped science, and classical genetics was nearly extinguished in the Soviet Union for decades. But Lysenko’s fall was as dramatic and thorough as his ascent. By the mid-1960s, Russian geneticists had declared him a fraud and condemned him for damaging Soviet agriculture. “Lysenkoism” became a pejorative synonym for pseudoscience, not only in Russia

but around the world—and it carries that meaning even today.

Loren Graham pretty much forgot his encounter with the fox caretaker—until he had reason to recall it years later, at the turn of the 21st century. What jogged his memory was the emergence of a new field of inquiry—or doctrine—called epigenetics, which today is requiring a thorough rethinking of the science of inheritance. Epigenetics, in very broad paraphrase, is the study of changes in organisms that are brought about by modifications of gene “expression” rather than changes in the actual genetic code. Gene expression can be determined by environmental factors—such as nurturance—which trigger molecular changes. Furthermore (and this is more controversial) these molecular changes

Politics trumped science, and classical genetics was nearly extinguished in the Soviet Union for decades.

can be passed on to offspring, and to the next generation’s offspring, and the next, where they appear as inherited traits, including behavior.

To Graham, the central tenets of epigenetics sounded an awful lot like the inheritance of acquired traits, the long-discredited doctrine advanced by Lysenko. Is it possible, he got to wondering, that these new scientific insights might explain the friendliness of the Siberian foxes? Could it be that the love and attention of the caretakers was bringing about changes in the foxes—molecular changes and behavioral changes—that culminated in the “domesticated elite”?

Or to put it another, much more provocative, way: “Was Lysenko right after all?”

Lysenko’s Ghost attempts to answer this question, which is both scientifically complex and politically knotty. The book is a historical primer on the

idea that acquired traits can be inherited, which, as Graham notes, was hardly original with Lysenko. Indeed, it dates back at least to Aristotle and was largely uncontroversial for 2,000 years. But these early thinkers never attempted to explain this notion scientifically. They lacked the tools of modern molecular biology, so their beliefs were really just that: beliefs that were, at best, unproven—and sometimes bizarre.

Consider the giraffe’s neck. Why is it long? This question is associated mostly with the 18th-century French botanist Jean-Baptiste Lamarck, who argued that giraffes lengthened their necks when reaching for food in the high branches of trees. He believed, in other words, that evolutionary changes were purposeful and individual, that these adaptations were passed on to future generations and accumulated over time. Lamarck’s theory stands in contrast to Darwinian theory, which explains long necks and other traits as the result of random variation and natural selection. Lamarck’s example appears in many modern biology textbooks, but only as an example of misguided—and discredited—evolutionary thinking.

Lamarck proposed no biological mechanism to bolster his belief. And how could he, since he was working and theorizing with neither the insights of Charles Darwin nor the tools of modern molecular biology? Contrast his naïve explanation of giraffe necks with another example, this one from actual epigenetic research by Michael Meaney at McGill. Meaney has done a lot of work with rats and he has found that, in certain litters, the pups who receive the most grooming and licking from their mothers grow up to be adults who dote on their own pups. This inheritance continues into future generations, and Meaney proposes that this trait—the attentive behavior—is connected with gene expression controlled by chemical attachments to the rats’ DNA. These attachments on the DNA molecule result from having experienced grooming and licking—the love, if you will. In other words, lavish nurturance is translated into molecular changes, which then are passed on

and expressed as lavish nurturance.

In between Lamarck and modern epigenetics sits Lysenko. Was he, in his insistence that acquired traits can be inherited, reviving a foolish notion for political purposes, or was he a genetic visionary, unfairly maligned by the scientific community? Making this assessment requires a thorough understanding of 20th-century Soviet history, and Graham devotes a significant portion of this slim volume to the fascinating history of science and politics in Stalin's era.

It's important to know that the Lysenko revival, to the extent that it exists, is a peculiarly Russian phenomenon. Indeed, Graham emphasizes that the nature of the debate, about both epigenetics and especially about Lysenko's legacy, is different in Russia than it is elsewhere. On the one hand, reputable Russian geneticists, out of Lysenko's shadow, are wary even of dabbling in the controversial field of epigenetics, lest they be misperceived as Lysenkoists. On the other hand, another group of Russian scientists and intellectuals are rooting for the revival of Lysenko or, in some cases, declaring it done. In sharply politicized language, these Lysenkoists are writing articles with headlines such as "Lysenko's Views Confirmed By New Science" and "Lysenko Was Right!" Graham dismisses these passionate revivalists as Stalinists nostalgic for the old Soviet Union.

And in the end, Graham answers his central question with an emphatic no. To the extent that Lysenko was right about the inheritance of acquired characteristics, he was unoriginal. Many argued this doctrine before him and even during his time; but without proof or theory. The modern field of epigenetics did not build on, or grow out of, Lysenko's thinking or research. To the extent that Lysenko was original, his claims—that he could create a new species of wheat, for example—remain unproven and should be considered wrongheaded. In the end, Graham concludes, Lysenko was an incompetent scientist who, with the help of a repressive state, forced his views on the world. ♦

BCA

Frank Exchange

When a scholar says what he thinks about the Constitution. BY TARA HELFMAN

The American university, once idealized as an ivory tower, is at risk of becoming an ideological echo chamber. Once scholars gazed out at a distant world from their monastic perch, debating how many angels could dance on the head of a pin. Now scholars seem to gaze out at the world from a single vantage point, vehemently agreeing that 2 angels + 2 angels make 5. Orwellian measures such as speech codes and trigger warnings bear some responsibility for the intellectual homogenization of higher education; but so, too, does a deeper divide within the professoriate.

Data from the Higher Education Research Institute reveal that the political leanings of university professors have grown increasingly uniform in recent years. By 2014, only 12 percent of professors (mostly in engineering and professional schools) were conservative, while approximately 60 percent were far left or liberal. 82 percent of law school professors are Democrats. (For my part, I am one of the rare 0.8 percent of female law school professors who are Republicans.) Ideological homogeneity together with the chilling effects of university policies constraining free speech make it increasingly hazardous for scholars to challenge ideas in a constructive and generative way. Universities are in danger of becoming places where orthodoxies are protected, not challenged, and personal sensitivities take precedence over the cultivation of knowledge.

Enter this anthology of essays on constitutional current events by Akhil

Tara Helfman teaches at Syracuse University College of Law.

The Constitution Today
Timeless Lessons for the Issues of Our Era
by Akhil Reed Amar
Basic Books, 464 pp., \$29.99

Reed Amar, the Sterling professor of law and political science at Yale. Originally published as op-ed, columns, and news commentary, the essays engage a general readership on controversial issues ranging from the contours of executive power to recent convulsions in the culture wars. Expanded and thematically organized, the essays are compelling for what they have to say. And they are important for the very fact that Professor Amar has the intellectual fortitude and scholarly conviction to publish them.

For example, Amar's treatment of the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña* would be viewed by University of California administrators as a "microaggression" productive of a "hostile learning environment" for criticizing affirmative action set-asides. The article, originally published with Amar's fellow constitutional law scholar Neal Katyal in 1995, praised the Supreme Court for striking down race-based set-asides in government contracts. "Set-asides don't help in the great American goal of integration," the authors reasoned. "[They] are a recipe for 'black' and 'white' firms, with no mixture between the two." Similarly, Amar's articles touching on Bill Clinton's lubricities might prompt a Title IX inquisition such as the one Northwestern professor Laura Kipnis endured for having the temerity to publish an essay challenging university sex codes.

While administrators seem to give

scholars every reason to avoid controversy, the essays here are unapologetically and refreshingly opinionated. Moreover, Amar supports his opinions with the scrupulous attention to method and evidence that only a scholar of his caliber could muster. After all, he explains, he did not write this book simply in order to get his views across; he wrote it in order “to present a wide-angled yet detailed survey of contemporary constitutional law” as well as to explain “*constitutional method*, illustrating by example how to do constitutional law.”

Topics range from the Clinton impeachment to *Bush v. Gore*, from the war on terror to the culture wars. At the same time, Amar is a self-proclaimed “constitutional textualist” whose scrupulous attention to the text, history, meaning, and structure of the Constitution shapes his understanding of constitutional controversies. Readers will find a handy primer on the Senate’s labyrinthine cloture rules in Amar’s essays on the filibuster, and they will likewise find a compelling “third-way” approach to the Second Amendment in his essays on gun rights.

Nevertheless, readers may find some of Amar’s positions to be strained. For example, in a self-published 2011 essay, Amar offers a spirited originalist defense of the Affordable Care Act as a piece of civil rights legislation in the spirit of the Reconstruction Amendments: “Congress has chosen both to subsidize health care so as to ensure each American’s basic civil right/human right to be truly free from servile dependence to others, and also to prohibit discrimination against pre-existing conditions in order to ensure each American’s entitlement to be truly equal at birth.” The argument seems more 20th-century Rawlsian than 19th-century Republican, but it is a telling argument, nevertheless: It demonstrates how big a tent constitutional originalism now occupies, welcoming liberals and conservatives alike within its interpretive framework.

Other positions are downright cheeky, as when Amar proposes in an article from the 2008 presidential campaign that “the best constitu-



Outside the Supreme Court (2016)

tional argument for Romney is one that he has never made: To make amends for America’s long history of discrimination against Mormons, voters should consider engaging in electoral affirmative action for Latter-day Saints.” Mind you, this is the same essay where he sees Hillary Clinton alternately as a modern-day Alexander Hamilton and a 21st-century Eleanor Roosevelt. (Oh, really?)

The reader will undoubtedly disagree with some (or many) of Amar’s views, but that is part of the package: Substantive disagreement is essential to discovery and learning. In this respect, Amar’s collection embodies the spirit of the 1974 Report of the Committee on “Freedom of Expression at Yale.” Spearheaded by C. Vann Woodward during the 1970s, the report has since become the definitive defense of free expression on campuses for its finding that:

The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill this function a free interchange of ideas is necessary not only within its walls but within the world beyond as well. . . . The history of intellectual growth and discovery clearly demonstrates the need for unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable.

Regardless of where the reader falls on Amar’s conclusions, there is no question that this bold professor dares to do all of the above.

Which is no accident, as Amar’s remembrance of the life and career of Robert Bork, also included in this volume, reveals. Bork taught Amar constitutional law at Yale Law School, leaving a profound impression upon the young scholar not because Amar felt any particular affection for his professor but because “Bork’s truculence in the classroom made me want to fight back—but to do so, I had to work hard and drill down. In the process, I came to love constitutional law, a subject that had not electrified me as a first-year student in an introductory course taught by a gentler and less edgy professor.” The reality, he explains, is that “a law professor’s job is to train students to think rigorously. Bullshit does not win cases. So even as I disliked Bork’s demeanor at the time, I have since come to admire his honesty. Here was a man who cared enough about ideas to defend his own, and to hit yours head-on if he thought they deserved it.”

The Constitution Today hits hard; what is more, it dares the reader to hit back. In this regard, it showcases scholarship fulfilling its greatest potential: engaging meaningfully and unflinchingly with the world

beyond the university in terms intelligible to the layperson. To be sure, Amar is a powerful intellectual force within the academy, where his work on constitutional history continues to shape our understanding of the Bill of Rights. He is also an authority within the legal profession, where his scholarship is routinely cited by the Supreme Court. But these essays showcase Amar's influence in a different way, reflecting the capacity of a serious scholar and gifted teacher to educate an audience beyond the lecture hall—to distill complex constitutional questions into terms accessible to inquisitive citizens.

This enterprise has been more than a diversion for Amar; it has been a vocation. As he explains in the book's introduction:

Ever since I got tenure at Yale in the early 1990s I have been a constitutional hammer in search of newsworthy nails—anything in the headlines that might give me a half-decent excuse in some news outlet to share with my fellow citizens my abiding views regarding the Constitution's letter, spirit, and contemporary significance. My thinking was—and remains—quite simple. The Constitution cannot endure if it does not live in actual hearts and minds in the here and now.

That Amar did not pursue this vocation until after he got tenure may have been of less significance in the early 1990s than it would be today. After all, the edification of the general public is not among the bases upon which universities grant tenure. But today's untenured faculty know better than publicly to express opinions frowned upon by the majority of their colleagues. Doing so could be career suicide for a young scholar. Additionally, recent controversies (such as the one over Halloween costumes at Amar's Yale) reveal that not even tenure can spare the most accomplished of scholars from the heckler's veto.

The Constitution Today thus serves as a tonic to the dyspeptic climate on campuses that gives scholars every reason to avoid controversy. The essays here are unapologetically opinionated and scrupulously supported.

They represent C. Vann Woodward's vision of the university at its highest achievement, but they are dedicated to a different Woodward altogether—Bob Woodward—to whom Amar pays tribute as mentor and friend. He styles himself a “freelance constitutional journalist” uniquely situated to bring perspective on the *longue durée* to the *nouvelles quotidiennes*.

Amar does bring the long view to the day's legal news, but calling these

essays journalism in the spirit of objective investigative fact-gathering is a bit of a stretch. What makes the articles here so compelling is their synthesis of scholarly objectivity with pointed subjectivity. They are constitutional commentary at its best: clear, compelling, and controversial. And they raise a question: Will this collection embolden other, equally powerful voices within the academy to join in the public fray? ♦



Hello, Central

Is a banker's guess as good as yours?

BY JUDY SHELTON

Mervyn King served as governor of the Bank of England from 2003 to 2013—which means that the worst global financial collapse since the Great Depression happened smack-dab in the middle of his watch. What better person to explain what caused that 2008 debacle and how to prevent a recurrence than this highly esteemed central banker—subsequently made a life peer by Queen Elizabeth—who was “present at the destruction” (King's own witticism) of the world's banking and financial system?

We have already heard from Ben Bernanke, the man in charge of America's central bank when things began unraveling in September 2008. Released last year, *The Courage to Act* was Bernanke's paeon to his herculean efforts to salvage a crumbling global economy brought down by financial implosion. As King notes, the postcrisis memoirs of high-ranking monetary and finance officials “share the same invisible subtitle: ‘how I saved the world.’” King's more self-effacing endeavor is to question the

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The End of Alchemy
Money, Banking, and the Future of the Global Economy
by Mervyn King
Norton, 448 pp., \$28.95

prevailing intellectual framework that has guided the thinking of the world's most powerful central bankers. He does not actually blame them for past mistakes. But he gently urges his colleagues to admit the possibility that, perhaps, they haven't quite figured out how to perfectly calibrate the availability of money and credit to the needs of the real economy.

How daring. No wonder former Treasury secretary Lawrence Summers describes *The End of Alchemy* as “the most important book to come out of the crisis” and deems its “visionary ideas” worthy of the attention of “everyone from economics students to heads of state.” But, really: What is so visionary about saying that people don't always behave rationally when confronted with uncertainty? Because that's the essential message the reader derives after slogging through this long-winded treatise that, early on, promises so much more. Does the fate of the global economy depend

on tweaking the assumptions of an econometric model to account for normal human edginess in the face of the unknown?

Let's back up. When economists refer to rational behavior, they mean in the sense of "optimizing" among an array of decisions representing expected outcomes to maximize utility for the individual. Believe it or not, we actually construct mathematical formulas and charts to quantify such behavior. What King brings to the seminar is the notion that, in the face of "radical uncertainty" about the future (which he considers a perpetual state in a capitalist economy), people don't attempt to "optimize" so much as merely struggle to cope with potential disaster. In other words, according to King, economists have been paying too much attention to how people attempt to accumulate "stuff" when we should have been concentrating on what people do when "stuff happens." And maybe that qualifies as a clever quip from a staid central banker, but should it be heralded as a profoundly original insight with consequential policy implications?

If so, we're all in trouble. Because it means that the world's top monetary mavens—the ones who anguish over interest rates and wrestle with liquidity ratios, the ones who risk being blamed for the next meltdown (though it's uncanny how they manage to avoid responsibility)—have no idea how to fix what broke. They don't know how to escape the boom-and-bust syndrome. They cannot ensure that credit markets won't seize up again, even as the devastation wrought by the last financial crisis still dogs the global economy. Not exactly a comforting thought.

There *must* be something more reassuring to be gained by ploughing through King's treatise. Why else would it elicit high praise from such

observers as the historian Niall Ferguson ("King has produced a brilliant analysis") and the influential *Financial Times* columnist Clive Crook ("a deeply examined critique of economics as usual")? But that's when it hits you: *The Alchemy of Finance* threatens to disturb those who inhabit the wood-paneled world of central bankers and finance ministers—not to mention a few Nobel laureates in economics—because King's analysis implies that the reigning theory

their own ability to gauge what economic indicators should be heeded, let alone acted upon, it might very well precipitate a crash. The central paradox of central banking is that it's the ultimate confidence game: It is precisely the misplaced faith of investors—those who deposit modest savings in bank accounts as well as wealthy portfolio holders—in the wisdom and discretion of fallible central bankers that keeps the whole financial edifice from crumbling.

While it remains unspoken, anyone reading between the lines here ought to derive that conclusion. In a remembrance from his early days as chief economist at the Bank of England, King tells the revealing story of cornering Paul Volcker, who headed the Federal Reserve from 1979 to 1987, and meekly asking the legendary central banker for one word of advice: "He looked down at me from his great height (a foot taller than I) and said, 'Mystique.'" We begin to understand why the word "credit" comes from the Latin root *credere*—"to believe, to trust."

So what are those recommended measures that King offers as a way to more solidly justify the social confidence that underpins the stability of the world's money and banking arrangements? How can the future of the global economy be better protected? Here's the shorthand version:

■ Commercial banks should back deposits with cash or guaranteed claims on reserve accounts held at central banks so that financial crises don't induce widespread panic.

■ Central banks should be willing to tackle solvency issues, not just meet liquidity needs, by being prepared to lend to almost anyone who pledges sufficient collateral.

■ We should try to raise productivity. We should try to reduce global economic disequilibrium.

■ We need to set a timetable for rebalancing the major economies of



Ben Bernanke, Mervyn King (2011)

of economic mechanisms they have bought into for decades is pretty much bunk. This somber realization begins to sink in long before King gets around to laying out his less-than-bold recommendations for reforming money and banking.

By pulling back the curtain on the presumed wizardry of central planning through central bankers, King has performed an intellectual public service—one that the practitioners of monetary policy might find strangely liberating. They are now free to acknowledge that, despite all pretenses and the obsessions of Wall Street tea-leaf readers, they are not omniscient, and one of their own has admitted as much. But there is grave danger, too. If equity and bond markets got wind of the fact that those entrusted with creating money out of thin air secretly harbor doubts about

the world and let's designate the International Monetary Fund as custodian of the process. (Ugh.)

■ Oh, and get ready to forgive huge chunks of sovereign debt.

All this sounds faintly reminiscent of the closing advice from *Monty Python's The Meaning of Life*: "Try and be nice to people, avoid eating fat, read a good book every now and then, get some walking in, and try and live together in peace and harmony with people of all creeds and nations." And the parallel makes perfect sense if you consider that economics was probably never well-suited to being taken seriously as a hard science based on methodological rigor, exactitude, and objectivity. It's a social science, after all.

Just consult the writings of John Maynard Keynes, who would undoubtedly be considered the world's greatest economist by those readers willing to shell out real money to buy *The End of Alchemy*. Conservatives use "Keynesian" as a damning adjective for economic policy initiatives that amount to redistribution under the guise of stimulus. But Keynes had his moments of genuine clarity: He recognized an important factor that applies to both the meaning of economics—with its emphasis on short-term versus long-term effects—and the meaning of life. Writing in 1937, Keynes observed:

Life and history are made up of short runs. If we are at peace in the short run that is something. The best we can do is put off disaster, if only in the hope, which is not necessarily a remote one, that something will turn up.

So let us thank Mervyn King not only for piercing the veil on monetary policy decisions based on sterile economic theories but also for exposing the fragility of global finance. *The End of Alchemy* is a well-mannered attempt to jerk policymakers back to the reality of temporal fixes versus enduring solutions. Central bankers, it turns out, only know enough to put a thumb in the dike after the crack has appeared. It won't ensure that economies won't be brought low by financial excess or guarantee any kind of future stability. But it's enough to be awarded a peerage. ♦

BCA

West of Suez

The American awakening in the Middle East.

BY RAY TAKEYH

In recent years, Dwight Eisenhower has emerged as the Democratic party's Republican of choice. Barack Obama's many sycophantic accolades have even compared Obama to the cool-headed soldier who liberated Europe. It's all there: a general who warned against the military-industrial complex, a statesman who avoided unwise military entanglements, and a politician who stood up to Israel and its influential backers. It matters little that the historic Eisenhower does not actually resemble such politically contrived images.

The Middle East of the 1950s presented unique challenges to the Eisenhower presidency. The winds of change were sweeping through the region, leading Egypt's Colonel Gamal Abdel Nasser and his Free Officers to cast aside Egypt's corrupt monarchy in the name of Arab nationalism. In the meantime, an exhausted British Empire was looking for ways of sustaining its presence while a nascent Israeli state was struggling to build a democratic society in the face of Arab hostility. In the midst of all this, an America fixated on the Cold War was trying to stabilize a region whose oil and strategic location were suddenly critical for containment of the Soviet Union.

This is a story that has been told many times, but seldom with the depth and stylistic elegance of *Ike's Gamble*. Michael Doran does not just challenge the prevailing historiography, he turns it on its head. This is not a book of conjecture but an argument

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Ike's Gamble

America's Rise to Dominance in the Middle East
by Michael Doran
Free Press, 304 pp., \$28

rooted in archival evidence and told in its many dimensions. It has long been the conceit of historians that the failure of Eisenhower to forge a constructive relationship with Nasser had to do with his insistence on imposing American mandates on a nationalist who merely sought exemption from the Cold War power blocs. America's friends, the argument goes, did not help: Israeli aggression and Britain's imperial greed only aggravated America's ham-fisted diplomacy.

Doran's account unfolds in two distinct timelines. When Eisenhower first assumed power in 1953, he appreciated the arrival of postcolonial nationalism as an important factor in shaping the politics of the developing world. Nikita Khrushchev, Stalin's cagey successor, had already pronounced that Cold War competition was to play itself out in the regions undergoing a transition from colonial rule to self-determination. Nasser appeared dynamic and in command of a state that was still the epicenter of Arab politics. The signal coming out of Cairo was that, for the right price, Nasser was willing to enable America's Cold War. It was a signal transmitted through the gullible Kermit Roosevelt of the CIA and an even more naïve ambassador in Cairo, Henry Byroade. And it was a signal that found a receptive audience in a State Department still plagued with antisemitism.

An experienced and wise leader, Eisenhower should have known better. Doran demonstrates that, all along,



Gamal Abdel Nasser and admirals (1956)

Nasser was pursuing his own agenda of imperial aggrandizement that necessitated the eviction of Britain from the Middle East, the replacement of conservative Arab monarchies with his clones, and assaulting Israel. And in the process, Nasser had no problem dealing with the Kremlin, purchasing its arms, and offering it a toehold in the Middle East.

To achieve American cooperation, Nasser dangled the possibility of making peace with Israel, which a parade of American officials (then as now) falsely believed to be the key to steadying the region. Eisenhower and Secretary of State John Foster Dulles played their part: They pressured Britain to give up its military base in the Suez Canal zone, they refused to sell arms to Israel, and they limited their own alliance network in the region to propitiate Nasser.

In the end, however, Nasser was playing a short game. His lies finally caught up with him when he rebuffed Eisenhower's trusted adviser Robert B. Anderson, who had journeyed to Cairo in early 1956 hoping to enlist Nasser in a land-for-peace scheme with Israel. To his credit, Eisenhower's pursuit of engagement lasted less than two years: By the spring of 1956 he was considering ways of deflating Nasser's ambitions

(if not undermining his rule) through something called the Omega Plan. Omega called for ending assistance to Egypt, building up its regional rivals, and gradually pressuring Nasser either to change his ways or suffer the consequences of his defiance. It was this plan that Great Britain, France, and Israel disrupted by invading Suez.

One of the strengths of *Ike's Gamble* is its use of multinational archives to shed light on the deliberations of all the actors involved. The secret conclaves among Israeli, British, and French officials—scheming behind Eisenhower's back as they plotted the Suez invasion—read like a John le Carré novel. The fact that the attack on Suez coincided with the Soviet invasion of Hungary helped Russia and its Western propagandists advance the false narrative of moral equivalence between the two blocs. An irate Eisenhower may have curtailed the invasion by threatening sanctions on his allies, but he knew that he had to reckon with the problem of Nasser. The central lesson of the Suez War is that junior partners should never blindsides their superpower benefactor.

The year 1958 proved the apex of Nasserism. Egypt and Syria united to the cheers of a frenzied Arab public. In Iraq, a conservative monarchy was decapitated while Nasserism threat-

ened both Jordan and Lebanon. But as Doran shows us, the conservative order held with no small measure of help from a repentant Eisenhower. Washington took steps to buttress its allies, including the dispatch of 14,000 troops to Lebanon. The previous hesitation to embrace Israel disappeared as Eisenhower belatedly appreciated that the Jewish state was one of America's most reliable strategic partners in the Middle East. Even Britain's fortunes revived as it had a role in steadying Jordan through the deployment of paratroopers. In the meantime, Nasser found himself in the midst of bickering Syrians and assailed from the left by the radicals who took over Iraq.

Doran's retelling of this history aims to be instructive. Barack Obama also ventured into the Middle East believing that, if he only distanced himself from America's allies and cozied up to adversaries, he could stabilize the region on the cheap. In the process, he denigrated our Arab allies, strained America's traditional bonds with Israel, and signed a catastrophic arms-control agreement with Iran. To their credit, the guardians of the Islamic Republic, as recipients of unusual American deference, never bothered lying to Obama's emissaries the way Nasser did to Eisenhower's

representatives. They were honest about their enmity toward the United States and brazen in their projections of power. For good measure, they even taunted the American armada in the Persian Gulf that the White

House had ordered to stand down.

The tragedy of the Obama years has been that his presidency never went through a course correction, as Eisenhower's did. As a result, America's friends are suffering. ♦



Next Question

A philosopher's 'flanking approach' to the world.

BY IAN LINDQUIST

In her section on memoirs here, Eva Brann reflects on her discomfort with at least one type of praise: “How much sweeter,” she writes, “to be serenely sure of having been underestimated than to have to sink through the floor shamed by clueless overpraise.” Hammering the point home, Brann adds: “Respect we deserve to get; adulation we deserve not to get.”

Brann should know. She has been a tutor at St. John's College for nearly 60 years, published numerous works as author and translator, received the National Humanities Medal in 2005, and continues to work at an extraordinarily productive rate. And public accolades have not been scarce in the past decade: Everywhere she goes, it seems, an honorary doctorate or other prize gets dropped in her lap. One hears in her remarks the frustration of sitting through innumerable speeches of overpraise.

Public praise may prompt, in some, the desire to write memoirs and pass on one's life story to the next generation. And the memoir is a marvelous form of writing for those who want to reveal the internal complexities of action *ex post facto*. But as a statesman aims to shed light on past decisions, the thinker seeks to shed light on the deepest questions he has considered in life. If the statesman writes his memoir well, future statesmen can learn prudence from him; if the

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Doublethink/Doubletalk

Naturalizing Second Thoughts and Twofold Speech

by Eva Brann

Paul Dry, 350 pp., \$19.95



Eva Brann, George W. Bush

thinker writes her memoirs well, future thinkers can learn how to pick fundamental questions and seriously consider them. The thinker's memoir is not a reflection on past events but a demonstration of engagement with recurrent questions about the world. Eva Brann has written not a memoir that sheds light on events but a collection of philosophical aphorisms—or “thought-bits,” as she calls them: “[A]ll this, on these pages, is my life.”

It's a strange life, this *Doublethink/Doubletalk*. “Doublethink” means that the thinker has the power to hold two

contradictory beliefs at once and “doubletalk” means “antinomies, antitheses, oppositions.” This is a life defined by opposition and contradiction. In Brann's world, doublethink is “a spontaneous readiness to do mental double-takes” while doubletalk seeks to preserve the integrity of these mental doubletakes, which is often lost when our thoughts are translated into speech.

Is this a life of indecision? Is the thoughtful, philosophic Eva Brann a passionate but paralyzed Hamlet? She denies it: Unlike Hamlet's, her life has entailed “[n]o fence-sitting (since doublethink plants you firmly on both sides).” Her “mode of mind” is “a flanking approach toward comprehending a pervasively duplex world, a world that sometimes flashes fleeting signs of covert wholeness.” Doublethink and doubletalk allow Brann to plant herself firmly on both sides of the contradictions the “duplex world” presents.

Her attunement to contradiction and the “duplex” nature of the world requires “the spontaneity possible to souls” because the thinker needs the freedom to perform a doubletake. And Brann has found a home for this spontaneity in what she calls the “amateur status” she gained after initially pursuing a career as an archaeologist specializing in Greek pottery of eighth and seventh centuries B.C. In archaeology, she writes, there were “too many pressing questions . . . at the excavation's tea table.” Spontaneity requires space from such business-like questions, amateur status not professional precision.

Most of the aphorisms here are examples of doublethink, not conclusive answers to life's great questions but a flurry of further questions that illuminate the territory surrounding the answer. Brann raises questions that briefly illuminate the world and, by removing herself just as quickly, inspires in readers a desire to shed light as well. The aphorisms in *Doublethink/Doubletalk* are both an example of doublethink and a catalyst of doublethink: By considering Brann's thought-bits, we are invited to practice spontaneity in response to the world's complexities and contradictions, to share in her life of doublethink. ♦

G. FABIANO / SIPA PRESS / NEWS.COM

Popular Science

Follow the algorithm to bestseller status.

BY ANN MARLOWE

What if a computer program revealed what people want to read, even down to the punctuation? It could tell the likelihood of any given book becoming a bestseller. It could tell whether a given book had been written by a man or a woman. It could even tell who wrote it, as long as there was a large enough sample of prior work. And for those of us who are neither novelists nor publishers, it could tell us something important about our culture.

Reader, it exists. After four years of work, Jodie Archer, a former acquisitions editor, and Matthew Jockers, an academic specializing in computational analysis of style, have been able to “predict” which books were bestsellers and which were not with “an average accuracy of 80 percent.” This means that, out of a randomly selected group of 50 bestsellers and 50 non-bestsellers, the algorithm would predict 40 of each correctly.

The authors are curiously secretive about what books went into deriving their algorithm, since the precise mix shouldn’t matter much if they are finding universal traits. They built a collection of “just under 5,000 books,” including “a diverse mixture of non-bestselling ebooks and traditional published novels, and just over 500 *New York Times* bestsellers.” (Note that the algorithm is going to reveal the tastes of the American reader, not all English-language readers, much less readers of other languages.) And we should prepare to have some assumptions challenged. There’s a prejudice among many readers of esoteric fare that bestsellers are badly written, escapist, and driven by cringe-making sex and

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The Bestseller Code
Anatomy of the Blockbuster Novel
 by Jodie Archer and Matthew L. Jockers
 St. Martin’s, 256 pp., \$25.99

implausible plot turns. But the results of the authors’ program suggest that sex doesn’t sell but realism—of a sort—does, and that bestsellers are carefully, even masterfully, crafted, down to the level of the individual sentence.

As to escapism, Americans’ idea of that means inhabiting somebody

The world of bestsellers is one in which the Puritans of early New England would have been surprisingly comfortable.

else’s job. Work is a riveting topic. The authors don’t explore this in detail, but those jobs tend to be emergency-room doctor or fiery litigator, not insurance analyst or dental hygienist. Other favored topics are “intimate conversation” and “human closeness.” Television caught on to this interest in work and talk long ago: Think of the *Mary Tyler Moore Show*, *Friends*, *Seinfeld*. But many so-called serious novelists avoid the world of work, unless it’s university teaching, presumably due to lack of experience.

The list of turnoffs is revealing as well: Fantasy, science fiction, revolutions, dinner parties, very dressed-up women, and dancing, as well as “the body described in any terms other

than in pain or at a crime scene.” Sex, drugs, and rock ’n’ roll account for less than 1 percent of bestsellers’ content; sex sells only in a niche market. All in all, the no-dancing world of English-language bestsellers is one in which the Puritans of early New England would have been surprisingly comfortable.

Bestselling characters are American go-getters. They “need” rather than “want,” they “know, control, and display their agency. Their verbs are clean and self-assured. Characters in bestsellers more often *grab* and *do*, *think* and *ask*, *look* and *hold*. . . . [T]hey make things happen.” Characters in non-bestsellers are more apt to “murmur, protest, and hesitate.” The verb “do” appears often in bestsellers, “very” not so much. “Okay” and “ugh” are common. This frontier vigor extends even to titles: “The’ remains the most successful way to begin a title because it is a word that implies agency focused somewhere.”

As to structure, focus and simplicity work: “To get to 40 percent of the average novel, a bestseller uses only four topics.” One of these should be something many people fear: an accident, illness, or involvement in a lawsuit. And oddly enough, despite such relentless practicality, 9 of 10 recent debut novels that became instant bestsellers were written by women.

The authors are given to the adjective “winning,” as in “winning style,” “winning over readers,” and “winning prose.” They don’t like “long-winded syntax” and “the endless sentences of some classic writers who will write for three paragraphs without a period point.” Yet people still buy James Joyce and Henry James, and despite our apparent lack of interest in characters who hesitate, people still buy and go to see *Hamlet*.

I have a methodological quibble, too: Many of these books are also bestsellers in European translation, where the syntactic elements wouldn’t have the same weight. “His” and “her,” say, wouldn’t indicate much in languages where all nouns are gendered. So how important is syntax as opposed to plot and character?

We may have to wait for the sequel to find out. ♦



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**CROOKED
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By DANIEL HALPER • It's Hillary's turn to feel the heat: On a hot mic during a taping of 'Oprah' in 2006, then-senator Hillary Clinton told host Oprah Winfrey that she had once been intimate with former president Bill Clinton. The encounter allegedly took place in 1984 deep inside the Arkansas governor's mansion. Apparently the two had just finished watching an episode of 'The Dukes of Hazzard' when then-governor Clinton turned to Hillary and said, "I'm just a good ol' boy ain't meaning no harm." The *Post* obtained the full recording but has redacted all of the gory

SEE PAGES 4, 5, 6, 7

BILL, CHRIS SAVAS; HILL, NATHANIA JOHNSON